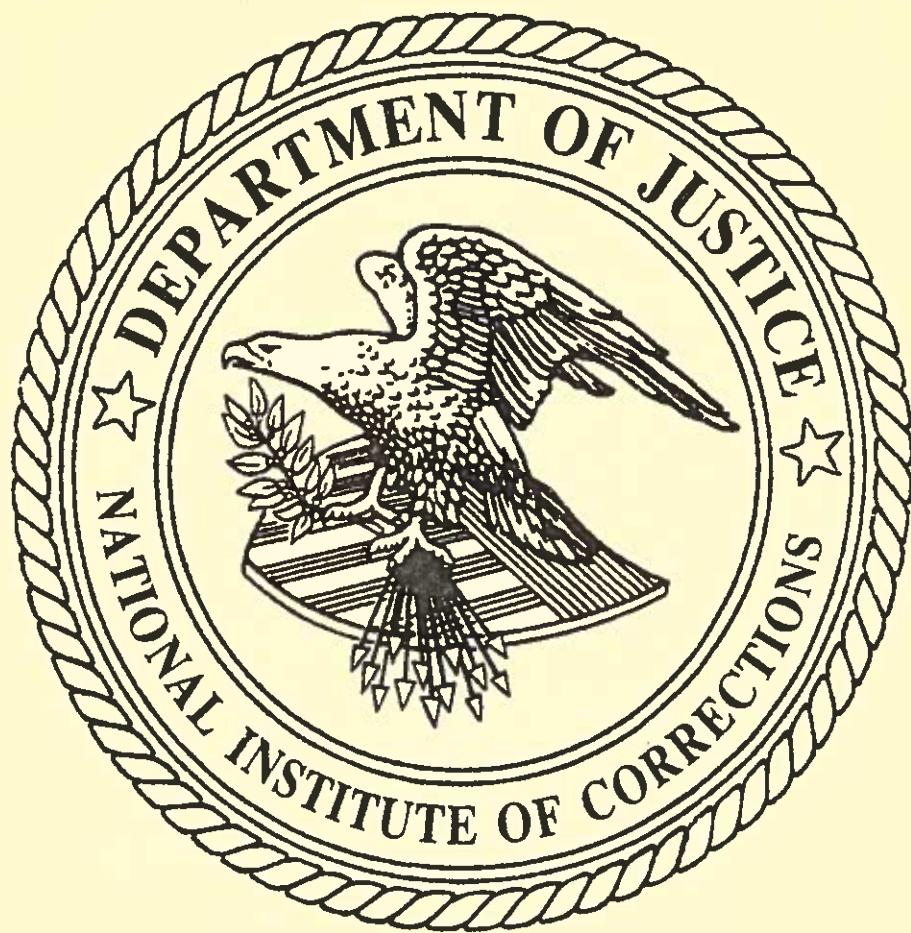


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U.S. Department of Justice
National Institute of Corrections



Hard to Manage and High Risk Offender Planning
and Programming
01-P3601

TR 1917

017129

9-26-2001

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NATIONAL INSTITUTE OF CORRECTIONS MISSION

The mission of the National Institute of Corrections is: *We are a center of correctional learning and experience. We advance and shape effective correctional practice and public policy that respond to the needs of corrections through collaboration and leadership and by providing assistance, information, education, and training.*

NIC is fully committed to equal employment opportunity and to ensuring full representation of minorities, women, and disabled persons in the workforce. NIC recognizes the responsibility of every employer to have a workforce that is representative of this nation's diverse population. To this end, NIC urges agencies to provide the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs, and other training measures so they may perform at their highest potential and advance in accordance with their abilities.

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DRAFT
Hard - To - Manage and High Risk Offender
Planning and Programming

AGENDA

MONDAY

7:30 - 8:30	<i>Travel to Canon City</i>
8:30 - 9:00	<i>Processing</i>
9:00 - 11:00	<i>Colorado State Penitentiary (CSP)</i> <i>Welcome</i> <i>Administrative Overview</i> <i>Tour and Discussion</i>
11:00 - 1:00	Lunch
1:00 - 3:00	<i>US Penitentiary - Administrative Maximum (ADX)</i> <i>Welcome</i> <i>Administrative Overview</i> <i>Tour and Discussion</i>
3:00 - 4:00	<i>Tour Debriefing</i>
4:00 - 5:00	<i>Return to Colorado Springs</i>

TUESDAY

7:30 - 8:30	<i>Welcome</i> <i>Introductions</i>	BeLinda Watson Larry Reid
8:30 - 10:00	<i>Definitions, Terms</i>	Gary Mohr
10:00 - 12:00	<i>Mission, Purpose</i>	Larry Reid
12:00 - 1:00	Lunch	
1:00 - 3:00	<i>Institutional Culture</i>	Larry Reid Patrick Hynes
3:00 - 5:00	<i>Operational Issues</i>	Frank Crose

Hard - To - Manage and High Risk Offender Planning and Programming (Continued)

AGENDA

WEDNESDAY

7:30 - 9:00	<i>Transition</i>	Gary Mohr Frank Crose
9:00 - 11:00	<i>Staff Resources and Issues</i>	Gary Mohr
11:00 - 1:00	<i>Classification</i>	Larry Reid

THURSDAY

7:30 - 9:00	<i>Disruptive, Assaultive and Administrative Segregation Inmates</i>	Patrick Hynes Larry Reid
9:00 - 10:30	<i>Security Threat Groups (STGs)</i>	Frank Crose
10:30 - 12:00	<i>Manipulative Inmates</i>	Larry Reid
12:00 - 1:00	Lunch	
1:00 - 2:30	<i>Mentally Ill</i>	Gary Mohr
2:30 - 5:00	<i>Practical Application</i>	Training Program Staff

FRIDAY

8:00 - 9:30	<i>Checking the Barometer</i>	Training Program Staff
9:30 - 12:00	<i>Training Program Evaluation, Close-out, Adjournment</i>	Training Program Staff

**United States Penitentiary - Admin. Max.
Federal Bureau of Prisons
Florence, CO**





UNITED STATES PENITENTIARY ADMINISTRATIVE MAXIMUM

FLORENCE, COLORADO

GENERAL INFORMATION

Mission Statement

The mission of the institution is to effect inmate behavior such that inmates who demonstrate non-dangerous behavior and participate in required programs, progress to another, more open Bureau of Prisons' facility.

Overall Description

The United States Penitentiary, Administrative Maximum Facility (ADX) is one of four federal institutions which comprise the Federal Correctional Complex in Florence, Colorado. The facility which activated on November 30, 1994, is the first specifically designed maximum security penitentiary built by the Federal Bureau of Prisons. The facility houses adult male offenders who require an uncommon level of security due to their serious records of institutional misconduct, involvement in violent or escape-related behavior and/or who have unusual security needs based on the nature of their offense. The institution's modern design enhances the safety of staff and inmates, and improves living conditions and program opportunities for the inmate population. The systems of inmate housing, programs, security and control in the ADX meet legal and constitutional requirements as well as sound correctional practices.

Inmate Population

As of April 1, 1999, there were 387 inmates with an average age of 39.7 years, who were serving an average sentence of 38.1 years. The primary reasons for referral are Murder/Attempted Murder of an inmate (22.5%), Assaulting Inmates (19.4%), Assaults on staff (16.0%), Greater Security - Increased Monitoring Needs/Concerns (12.7%), Escape Behavior (9.8%), Court Commitment (4.9%) and Rioting (4.1%). Other reasons for transfer are: Attempted Murder of Staff, Taking Staff Hostage, Participation as a leader in a Work and/or Food Strike, Introduction of Narcotics and Gang Leadership.

Housing

A stratified system of housing is used to provide inmates with the incentives to adhere to the standards of conduct associated with a high security/maximum custody program. As inmates demonstrate periods of clear conduct and positive institution adjustment, they progress from the General Population Units to the Intermediate Unit/Transitional Unit and ultimately to the Pre-Transfer Unit. Those successful in the Pre-Transfer Unit will move out to other Bureau high-security facilities. The types of privileges afforded to the inmates are determined by their housing unit assignment in this stratified program.

The institution has nine housing units: three General Population Units, a High Security Unit, an Intermediate Unit/Transitional Unit, a Pre-Transfer Unit, a Special Housing Unit and a Control Unit. A basic description of each unit from most to least restrictive follows:

The Control Unit is a special long-term detention unit that houses the most dangerous and assaultive inmates in Bureau of Prisons' custody. The unit has a capacity of 78 inmates, with each cell having approximately 85 square feet of living space. Prior to placement in the Control Unit a due process hearing is conducted.

The Special Housing Unit is a short-term housing unit for both inmates in Disciplinary Segregation, who have been found guilty of prohibited acts while at the ADX, and those in Administrative Detention, who are pending internal investigations, transfer or have other temporary administrative needs. The unit can house 68 inmates, with each cell being 90 square feet.

The High security unit houses inmates with greater security needs. There are 64 cells in the unit which are 85 square feet.

Each of the three General Population Unit(s) house 64 inmates, with each cell being 85 square feet. J Unit has a total of 64 cells and is divided to house inmates in the Intermediate and Transitional phases of the program. The (A) side of J unit has 32 cells and houses inmates in the Transitional program. The (B) side of J unit has 32 cells and houses inmates in the Intermediate program. The Pre-Transfer Unit is the most open population unit and houses 64 inmates. The cells in the last three units are 79 square feet.

It will take an inmate a minimum of 36 months to work his way through the stratified system of housing. The Minimum stay in a General Population Unit is 12 months, the Intermediate program 7 months, Transitional program 5 months and the Pre-Transfer Unit 12 months.

PROGRAMS AND SERVICES

Education

The majority of educational programming is provided via closed circuit television and one-to-one assistance by education staff. Programs include: Adult Basic Education, General Equivalency Diploma, English as a Second Language, Parenting, self-study courses, and leisure library.

Religious Programs

The ADX respects and honors the religious beliefs of all offenders and provides appropriate opportunities for religious activities while maintaining a safe environment for staff and inmates.

Religious programming for a wide variety of recognized faiths is provided. Two Bureau of Prisons' chaplains tour each housing unit weekly to meet the religious needs of the inmate population, and several contract religious leaders assist in addressing the religious concerns of specific inmate groups. Religious programming is also provided via the closed-circuit television system.

Psychological Services

The institution is staffed by two full-time psychologists and one contract psychiatrist. The institution psychologists tour the housing units weekly attending to the personal concerns of each inmate. Additionally, Substance Abuse Counseling, Stress Management Courses and other forms of counseling are provided via closed circuit television. Inmates diagnosed as suffering chronic or problematic psychological problems and/or who require in-depth treatment or medication are transferred to the Bureau of Prisons medical facility at Springfield, Missouri.

Recreation

There are indoor and outdoor recreation facilities in all of the units. Inmates in a General Population Unit recreate in groups of up to twelve for at least twelve hours per week. Inmates in the

High Security Unit recreate individually for seven and a half hours a week. Inmates in the Intermediate, Transitional and Pre-Transfer units have the opportunity to recreate in larger groups, and for longer periods of time. For instance, inmates in the Intermediate and Transitional units have the opportunity to recreate at least twenty-eight and a half hours per week and the Pre-Transfer unit inmates are out of their cells virtually all day and recreate outside of the unit for twenty-one hours a week.

In the Control Unit and Special Housing Units there are smaller, more secure individual recreation areas. Inmates recreate five hours per week while in Disciplinary Segregation status; and seven hours per week in the Control Unit and in Administrative Detention status. Recreational opportunities will also be offered via the closed circuit television and commercial broadcasts.

Food Service

The method of serving meals depends on the type and security of the unit. Three meals certified by a Registered Dietician are served each day. Medical and religious dietary needs are met as warranted and served consistent with the policies of the Bureau of Prisons.

Inmates in the Control, Special Housing and General Population Units and High Security unit eat meals in their cells. Inmates in the Intermediate and Transitional Units eat together in a designated common area of the unit. Inmates in the Pre-Transfer Unit eat together in a separate common dining room.

Visiting

All social visits are conducted in non-contact visiting booths. Appropriate contact will be permitted for attorney/client visits. Inmates are permitted five social visits per month, lasting up to seven hours per visit. A maximum of three visitors per inmate are allowed to visit at any given time. Visiting days are on Thursday, Friday, Saturday, Sunday, and Federal Holidays

Commissary

Commissary services are available to all inmates except those in Disciplinary Segregation status and those who have been sanctioned with the loss of commissary privileges as a result of violating institution rules. Available items include: limited clothing, snack foods, stamps, etc. Purchased items are delivered to inmates by staff, with the exception of inmates in the Pre-Transfer and Transitional Units who attend open commissary once a week.

Medical Services

ADX has health care facilities staffed by trained professionals and provide services which are consistent with community health care standards for outpatient care. These include 24 hour medical staff coverage, and extensive emergency and in-house medical care resources.

Hospital staff make daily rounds to attend to the medical concerns of the prisoners. When clinically warranted, inmates are escorted to the institution's medical department for treatment or examinations conducted by a medical doctor or dentist. Inmates with serious medical conditions are normally treated at the Medical Center for Federal Prisoners in Springfield, Missouri.

Laundry and Clothing

Inmates are provided with bedding, towels, pants, shirts, jumpsuits, undergarments, and socks. The institution Laundry will wash clothes several times a week. Additionally, inmates may purchase some clothing items through the Commissary, such as shorts, t-shirts, and tennis shoes.

Legal Services

All inmates are afforded access to the courts. Legal access is assisted through the location of basic law libraries within each unit. Additionally, a main law library exists from which inmates are afforded the opportunity to review current legal periodicals. Materials from the main law library are delivered directly to the inmates by representatives of the Education Department. Inmates are permitted to contact outside counsel or petition the courts for appointed counsel whenever necessary.



**Colorado State Penitentiary
CO Department of Corrections
Canon City, CO**



COLORADO DEPARTMENT OF CORRECTIONS

TRAINING ACADEMY

LESSON PLAN COVER PAGE

LESSON TITLE: CSP MISSION AND PHILOSOPHY T.I.S. CODE: _____

COURSE TITLE: _____

INSTRUCTOR(S): CSP selected staff

DEVELOPED/PREPARED BY: R. Foshee DATE: 09/14/99

REVISED / EDITED BY: C. Hildebrand / T. Trani DATE: 05/03/01

TIME FRAME TOTAL HOURS: <u>4</u> SUGGESTED SCHEDULE: SUGGESTED TIME FRAMES: FROM: _____ TO: _____	TARGET POPULATION: All CSP Staff NUMBER OF PARTICIPANTS: <u>25</u> SPACE REQUIREMENTS: Classroom
---	---

PERFORMANCE OBJECTIVES At the end of this session participants will be able to:

1. DEFINE AND EXPLAIN THE CSP MISSION STATEMENT.
2. DESCRIBE THE OPERATIONAL CHARACTERISTICS NECESSARY AT CSP TO CARRY OUT THE MISSION.
3. ANALYZE AMERICAN CORRECTIONAL ASSOCIATION STANDARDS AND THE IMPORTANCE OF ACA/CDOC STANDARDS TO THE COLORADO DEPARTMENT OF CORRECTIONS AND CSP.
4. DEFINE AND EXPLAIN THE VARIOUS SYSTEMS AND SUBPROGRAMS THAT SET A FOUNDATION FOR ENSURING SECURITY AND SAFETY AT CSP.
5. EXPLAIN THE ROLE PROGRAMS ORGANIZATION PLAYS IN CSP'S MISSION.
6. DESCRIBE THE UNIQUE ROLE THE CODE OF PENAL DISCIPLINE HAS AT CSP.
7. DEFINE AND EXPLAIN CLINICAL SERVICES FUNCTION WITHIN CSP'S MISSION.
8. DESCRIBE HOW THE PHYSICAL PLANT DESIGN OF CSP IS PARAMOUNT TO THE MISSION.
9. EXPLAIN WHY PROFESSIONALISM IS IMPORTANT, AND HOW IT PERTAINS TO INMATE AND SYSTEM MANAGEMENT.

REFERENCES: Cite appropriate DOC Policy, Procedures, Colorado Revised Statutes, and other pertinent references
CSP OM 100-18

COLORADO DEPARTMENT OF CORRECTIONS LESSON PLAN

TITLE: CSP MISSION AND PHILOSOPHY

Revison Date: 05/02/01

T.I.S. No.:

NOTES TO TRAINER**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****PRESENTATION GUIDE****EQUIPMENT AND SUPPLIES NEEDED:**

- Flip Chart and Stand (No. Needed: _____)
- Felt Tip Pens for Charts (Color: _____)
- Chalkboard
- Overhead Projector (Spare Bulbs)
- VHS ½ inch
- Video Camera
- Video Monitor
- Video Tapes (How many: _____)
- Other Video (Cables, Adapters, Stands)
- Projector Screen
- 16MM Projector (Spare Bulbs, Reels)
- 35MM Projector (Spare Bulbs, Trays)
- Audio Tape Recorder (No. Of Tapes _____)
- Extension Cords
- Masking Tape (How Many: _____)

WHAT ELSE NEEDED FOR CLASS

BE SPECIFIC (Consider: Mats, Restraints, Ammo,

Batons, Safety Gear, Firearms, Etc)

- _____ Per Participant

INSTRUCTOR TO PROVIDE:**INSTRUCTOR METHODS AND TECHNIQUES:** Lecture, Discussion, Question and Answer**EVALUATION PROCEDURES** Participant retention will be determined by:

CHECK FOR UNDERSTANDING BY QUESTIONS & ANSWERS

I.

Introduction and CSP Mission History

- A. INTRODUCE YOURSELVES AND YOUR WORK HISTORIES.

Ask the group to define mission, and discuss.

- B. A MISSION IS A TASK OR FUNCTION ASSIGNED OR UNDERTAKEN.

Overhead 1

Previous Mission Statement

- C. IN AUGUST OF 1993, THE COLORADO STATE PENITENTIARY OPENED WITH THE FOLLOWING MISSION: "TO SAFELY HOUSE, MANAGE AND ENSURE THE HEALTH AND WELFARE OF INMATES WHO ARE NOT CAPABLE OF FUNCTIONING IN A GENERAL POPULATION SETTING AND WILL ENCOURAGE THEIR REINTEGRATION THROUGH A TRANSITIONAL PROGRAM TO LESS SECURE FACILITIES."

- D. BY FOLLOWING THIS MISSION, CSP HAS EARNED A NATIONAL AND INTERNATIONAL

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

**REPUTATION AS THE LEADER IN CONTROL
UNIT PHILOSOPHY AND OPERATIONS.**

1. SINCE 1993 THERE HAVE BEEN MORE THAN 30 STATES AND 17 FOREIGN COUNTRIES WHO HAVE TOURED CSP TO GET AN IDEA OF WHAT WE DO, AND TO UNDERSTAND THE QUALITY OF LIFE BEHAVIOR MODIFICATION PROGRAM.

2. IN JULY OF 1999 AND SEPTEMBER OF 2000, THE NATIONAL INSTITUTE OF CORRECTIONS ASKED CSP TO HOST A CONFERENCE DEDICATED TO THE PHILOSOPHY AND OPERATIONS OF CONTROL UNITS.

3. CSP IS ONE OF ONLY TWO CONTROL UNITS IN THE UNITED STATES THAT HAS EARNED ACA ACCREDITATION AND IS THE ONLY CONTROL UNIT THAT HAS EARNED REACCREDITATION.

4. CSP IS THE ONLY CONTROL UNIT TO

RECEIVE ACA'S "BEST PRACTICES"
RECOGNITION.

5. CSP IS THE MODEL FOR CONTROL UNIT PHILOSOPHY AND OPERATION IN THE CORRECTIONAL PROFESSION.

II PERFORMANCE OBJECTIVES

Overhead 2

Performance Objectives

- A. DEFINE AND EXPLAIN THE CSP MISSION STATEMENT.
- B. DESCRIBE THE OPERATIONAL CHARACTERISTICS NECESSARY AT CSP TO CARRY OUT THE MISSION.
- C. ANALYZE AMERICAN CORRECTIONAL ASSOCIATION STANDARDS AND THE IMPORTANCE OF ACA/CDOC STANDARDS TO THE COLORADO DEPARTMENT OF CORRECTIONS AND CSP.
- D. DEFINE AND EXPLAIN THE VARIOUS

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

SYSTEMS AND SUBPROGRAMS THAT SET A FOUNDATION FOR ENSURING SECURITY AND SAFETY AT CSP.

- E. EXPLAIN THE ROLE PROGRAMS ORGANIZATION PLAYS IN THE MISSION OF CSP.
- F. DESCRIBE THE UNIQUE ROLE THE CODE OF PENAL DISCIPLINE HAS AT CSP.

Overhead 3

Performance Objectives Continued

- G. DEFINE AND EXPLAIN CLINICAL SERVICES FUNCTION WITHIN CSP'S MISSION.
- H. DESCRIBE HOW THE PHYSICAL PLANT DESIGN OF CSP IS PARAMOUNT TO THE MISSION.
- I. EXPLAIN WHY PROFESSIONALISM IS IMPORTANT, AND HOW IT PERTAINS TO INMATE AND SYSTEM MANAGEMENT.

III CSP MISSION STATEMENT

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

Stress that there are three different levels or elements to the current CSP Mission.

- A. SINCE ACTIVATION IN 1993, CSP HAS HAD A MEASURABLE AND POSITIVE EFFECT ON INMATE MANAGEMENT AT ALL OTHER DOC FACILITIES. CSP HAS SET THE STANDARD FOR SUCCESSFULLY RETURNING INMATES FROM ADMINISTRATIVE SEGREGATION TO LESS SECURE FACILITIES.
- B. CONSEQUENTLY, IN 1999 THE DECISION WAS MADE TO REVIEW THE CSP MISSION STATEMENT, ALONG WITH ITS ACCOMPANYING VISION AND PHILOSOPHY, TO DETERMINE IF THOSE STATEMENTS WERE STILL APPLICABLE TO CSP AND THAT THEY SUPPORTED THE CDOC MISSION.
- C. AS THE MISSION AND PHILOSOPHY STATEMENT WAS REVIEWED, IT BECAME CLEAR THAT SOME REVISIONS WERE NECESSARY. THE MANAGEMENT TEAM DECIDED NOT TO CHANGE THE MISSION OF CSP, BUT TO ADAPT THE MISSION, SO THAT IS

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

WOULD ACCURATELY REFLECT WHAT IS
BEING CURRENTLY UNDERTAKEN AT CSP.

- D. CSP'S REVISED MISSION STATEMENT NOW
HAS THE FOLLOWING THREE DISTINCT
PARTS:

Overhead 4

Mission Part I

"Incapacitation"

**PRESERVE ORDER IN ALL OTHER
DEPARTMENT OF CORRECTIONS
FACILITIES BY THE SAFE AND HUMANE
MANAGEMENT OF THE HIGHEST RISK
INMATES IN THE COLORADO DEPARTMENT
OF CORRECTIONS.**

1. CSP EXISTS TO HOUSE THE MOST VIOLENT, DISRUPTIVE, AND HIGH RISK INMATES, WHICH IS 4 TO 6 PERCENT OF THE CDOC'S INMATE POPULATION.
2. CSP SEEKS TO MANAGE THESE INMATES BY THE FOLLOWING PRINCIPLES:
 - a. THESE INMATES MUST BE

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****PRESENTATION GUIDE**

REMOVED FROM GENERAL POPULATION FACILITIES TO THE EXTENT THE IMPACT OF THEIR BEHAVIOR ON THE REST OF THE SYSTEM IS MINIMIZED. THIS SEPARATION IS NOT INTENDED TO BE PUNITIVE IN NATURE.

- b. CSP WILL CONTINUALLY OFFER DIALOGUE, PRIVILEGES, AND CONSTRUCTIVE PROGRAMMING TO CSP INMATES SO THAT THE INMATES HAVE THE ABILITY, IF THEY CHOOSE, TO EARN THEIR WAY BACK TO GENERAL POPULATION FACILITIES THROUGH POSITIVE, CONSTRUCTIVE, AND IMPROVED BEHAVIOR.

- c. CSP WILL MAINTAIN A STANDARD OF LIVING FOR THE INMATES THAT IS HUMANE AND CONSTITUTIONAL, WITHOUT PROVIDING AN ENVIRONMENT

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

THAT IS ENTIRELY ATTRACTIVE
FOR INMATES, WHEN COMPARED
TO GENERAL POPULATION
PRISONS.

- d. CSP WILL CONDUCT ALL ACTIVITIES UNDER THE UMBRELLA OF THE HIGHEST FORM OF SAFETY AND CONTROL.

Overhead 5

Mission Part II

“Change Behavior”

CHANGE INMATE CONDUCT THROUGH BEHAVIOR DRIVEN AND COGNITIVE RESTRUCTURING PROGRAMS WHICH FACILITATE THEIR REINTEGRATION INTO LESS SECURE ENVIRONMENTS.

- 1. CONTROL UNITS THAT FAIL TO PROVIDE MEANINGFUL PROGRAMS CAN NOT MEET MINIMAL CONTEMPORARY STANDARDS, NOR CAN BEHAVIOR BE EXPECTED TO CHANGE WITHOUT CHALLENGING THE THOUGHT PROCESS UPON WHICH THE NEGATIVE BEHAVIOR

IS BASED.

Note: Control Units have been lost to the Legal System because they did not have programs.

2. THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM TIES ALL OF WHAT OCCURS AT CSP TOGETHER, AND IS THE FOCAL POINT OF INMATE MANAGEMENT AT CSP. FOR EXAMPLE:
 - a. INMATES ARE REQUIRED TO PARTICIPATE IN SPECIFIC PROGRAMS RECOMMENDED BY THE CASE MANAGER. PROGRAMS RECOMMENDATIONS ARE BASED UPON BEHAVIOR WHICH, BROUGHT THE INMATE TO CSP. IF INMATES CHOOSE TO EARN THEIR WAY OUT OF CSP, PROGRAM PARTICIPATION IS NECESSARY. APPROPRIATE BEHAVIOR AND PROGRAM PARTICIPATION EFFECTS DECISIONS MADE REGARDING PROGRESSIVE MOVEMENT

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

THROUGH THE QUALITY OF LIFE
INCENTIVE LEVEL SYSTEM.

- b. THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM PROVIDES IMMEDIATE CONSEQUENCES FOR NEGATIVE BEHAVIOR (LOSS OF LEVEL) AND REWARDS A SPECIFIED TERM OF POSITIVE APPROPRIATE BEHAVIOR (INCREASE IN LEVEL). THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM IS SEPARATE AND APART FROM THE CODE OF PENAL DISCIPLINE.

- c. STAFF'S OBSERVATION AND DOCUMENTATION OF INMATE BEHAVIOR IN ALL ASPECTS OF FACILITY OPERATION IS THE FOCAL POINT OF INMATE MANAGEMENT AT CSP. STAFF PLAY THE CRITICAL ROLE IN INMATE BEHAVIOR CHANGE.

Mission Part III

“Staff Development”

DEVELOP, SUPPORT, AND EMPOWER PROFESSIONAL CORRECTIONAL STAFF TO MANAGE HIGH RISK INMATES AND TO BECOME MEMBERS OF AN EFFECTIVE TEAM THROUGH INTENSIVE TRAINING AND MENTORING PROGRAMS.

1. THE MANAGEMENT OF HIGH RISK INMATES IN A TIGHTLY CONTROLLED ENVIRONMENT IS ONE OF THE GREATEST CHALLENGES FACING MODERN CORRECTIONAL PROFESSIONALS TODAY. CONSEQUENTLY, STANDARDS AND TRAINING TO STANDARDS IS VITAL FOR STAFF AT ALL LEVELS AND IN ALL ROLES.

2. DEVELOPMENT AND SUPPORT OF STAFF INVOLVES MAKING EXPECTATIONS KNOWN, PROVIDING THE TRAINING

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

TOOLS NEEDED, THE EQUIPMENT
NEEDED, SEEKING INPUT ON POLICY
DECISIONS, AND PROVIDING
CORRECTION AND DISCIPLINE WHEN
NEEDED.

3. MENTORING INVOLVES PROVIDING OPPORTUNITY FOR LEADERSHIP IN THE PURSUIT OF MEETING AND EXCEEDING STANDARDS, COMPLIANCE IN JOB PERFORMANCE AND COMMITMENT TO “DOING THE RIGHT THING” AS DEFINED BY STANDARDS AND POLICY.

4. DEVELOPMENT, SUPPORT, AND MENTORING TAKE PLACE IN CONJUNCTION WITH THE GOAL OF PROVIDING CSP STAFF THE OPPORTUNITY TO BECOME MODERN CORRECTIONAL PROFESSIONALS, RECOGNIZED FOR THEIR PROFESSIONALISM AND KNOWLEDGE OF THEIR PROFESSION.

Review the three parts of the Mission: Incapacitation, Change Inmate Conduct through Programs, and Develop Staff.

**IV NECESSARY OPERATIONAL CHARACTERISTICS
FOR THE CSP MISSION**

- A. WE MUST BE SENSITIVE TO OUR CUSTOMERS AND STAKEHOLDERS.
 - 1. THE PUBLIC.
 - 2. THE COURTS.
 - 3. OTHER CDOC FACILITIES.
 - 4. HUMAN RIGHTS GROUPS.
- B. DECISIONS MUST BE MADE ON THE BEST INFORMATION AVAILABLE.
 - 1. DOES THE DATA INDICATE THE MISSION IS BEING MET?
 - 2. WHAT CHANGES ARE NECESSARY IN POLICY/OPERATIONS/PROGRAMS BASED ON THE DATA WE HAVE?

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

3. PLANNING MUST BE ON-GOING AND
BASED ON SOLID DATA.

C. FOCUS IS ON PERFORMANCE PLANNING,
PERFORMANCE MEASUREMENT AND
ACCOUNTABILITY FOR STAFF AT ALL
LEVELS.

D. THERE IS A SENSE OF URGENCY AND FOCUS
ON SYSTEMS COMPLIANCE WITH SAFETY
BEING THE ULTIMATE GOAL.

E. OPERATIONS OF ALL AREAS AT ALL LEVELS
WILL BE “STANDARDS” DRIVEN AND
MEASURED BY BOTH INTERNAL AND
EXTERNAL INSPECTION AND AUDITING
PROCESSES.

1. AMERICAN CORRECTIONAL
ASSOCIATION STANDARDS AND CDOC
POLICY ARE RECOGNIZED AS THE
STANDARDS FOR COLORADO
CORRECTIONAL FACILITIES.

2. CSP IS COMMITTED TO ATTAINING ALL STANDARDS AND IN FACT, EXCEEDING THE STANDARDS IN ACHIEVING THE HIGHEST LEVEL OF SYSTEMS PERFORMANCE, THAT RESULTS IN ENHANCED SAFETY FOR THE PUBLIC, STAFF AND INMATES.

V **WHY HAVE AMERICAN CORRECTIONAL ASSOCIATION STANDARDS & CDOC POLICIES?**

Ask group, why does DOC comply with ACA Standards? List and discuss answers.

Overhead 7

Standards

- A. STANDARDS ARE “MEASURING STICKS” OR “GAUGES” AGAINST WHICH COMPARISONS CAN BE MADE. THE HIGHER THE STANDARD THE BETTER THE PRODUCT WILL BE.

Note: DOC has grown 500% within the past twenty years. Standardization is needed to ensure facilities operate along the same lines.

1. IN MANUFACTURING, STANDARDS MAY

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

REFLECT QUALITY OF PRODUCTS,
QUALITY OF TOLERANCES FOR
MACHINED PARTS OR ANY NUMBER OF
OTHER STANDARDS.

2. IN EDUCATION, LETTER GRADES
REPRESENT LEVELS OF ACHIEVEMENT.
THE HIGHER THE LETTER GRADE, THE
MORE THE STUDENT HAS ACHIEVED.

3. IN CORRECTIONS, SAFETY,
PERFORMANCE, AND INMATE
MANAGEMENT ARE JUDGED AGAINST
AMERICAN CORRECTIONAL
ASSOCIATION STANDARDS, WHICH ARE
NATIONALLY RECOGNIZED BY
CONTEMPORARY CORRECTIONAL
PROFESSIONALS AS THE WAY
CORRECTIONAL FACILITIES OUGHT TO
BE OPERATED TO MEET THE HIGHEST
STANDARDS OF THE PROFESSION.

Colorado DOC began accrediting facilities in the early 1980's. CCF, CWCF, & BVCF were the first facilities to partake in the process.

- B. NOT ALL THAT LONG AGO, THERE WERE NO STANDARDS OF SAFETY, PERFORMANCE, AND INMATE MANAGEMENT RECOGNIZED BY THE COLORADO DEPARTMENT OF CORRECTIONS.
1. OUR PRISONS WERE NOT NEARLY AS SAFE FOR THE PUBLIC, STAFF OR INMATES.
2. BASIC SAFETY AND SECURITY ISSUES, SUCH AS TOOL CONTROL, KEY CONTROL AND CHEMICAL INVENTORY WERE NON-EXISTENT. AS A RESULT, STAFF WERE HURT AND THE PUBLIC WAS IN GREATER JEOPARDY.
3. PROFESSIONAL TRAINING CONSISTED OF "HERE'S THE KEY, GO RUN IT".

Note: New hires must now complete 120 hours of Basic training, and 40 hours of orientation prior to reporting to assigned positions.

4. USE OF FORCE WAS UNREGULATED

INSTRUCTOR OUTLINE CSP MISSION AND PHILOSOPHY

PRESENTATION GUIDE

RESULTING IN A “WAR ZONE”

MENTALITY BETWEEN INMATES AND
STAFF THAT RESULTED IN NEEDLESS
INJURY TO STAFF AND INMATES.

5. LIFE SAFETY AND HOUSEKEEPING WERE TOTALLY UNIMPORTANT. THERE WAS LITTLE, IF ANY, CONCERN FOR THE ENVIRONMENTAL CONDITIONS IN WHICH STAFF WORKED AND INMATES LIVED.

Pass out handout on the differences between a “Guard” and an “Officer”

6. THE TERM “GUARD” WAS THE DESCRIPTIVE USED IN REFERENCE TO STAFF, AND AS A RESULT, THE PUBLIC HAD A NEGATIVE CONCEPT OF PRISONS. THE PAY WAS SET ACCORDINGLY; AFTER ALL, WE WERE JUST “PRISON GUARDS”.
7. PRISONS WERE TERRIBLY UNDERSTAFFED, MAKING AN ALREADY

BAD SITUATION MUCH WORSE.

Overhead 8

Litigation

- C. A SERIES OF EVENTS, INCLUDING SEVERE STAFF INJURIES, LITIGATION BY INMATES AND THE PUBLIC BEING CONCERNED FOR THEIR OWN SAFETY RESULTED IN THE REALIZATION THAT THE “OLD WAY” WAS NOT WORKING. THE DEPARTMENT OF CORRECTIONS BEGAN SEARCHING FOR WAYS TO DEVELOP AND STANDARDIZE SAFETY AND SECURITY SYSTEMS. THIS MEANT THE CDOC NEEDED TO CHANGE IT’S THINKING, APPLY A NEW PHILOSOPHICAL APPROACH TO SAFETY, SECURITY, AND INMATE MANAGEMENT.
1. RATHER THAN REINVENT THE WHEEL, THE DEPARTMENT OF CORRECTIONS TURNED TO AN ORGANIZATION THAT HAD ESTABLISHED, NATIONALLY RECOGNIZED STANDARDS IN PLACE. AN ORGANIZATION THAT ADDRESSED SAFETY, SECURITY, LIVING AND

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

WORKING CONDITIONS, AND PRACTICED AN INMATE MANAGEMENT SYSTEM, BASED ON A PHILOSOPHY THAT DEMANDS ACCOUNTABILITY, CREDIBILITY, AND UNIFORMITY CREATING A HUMANE ENVIRONMENT FOR INMATES AND A SAFE ENVIRONMENT FOR STAFF AND THE PUBLIC. THAT ORGANIZATION IS THE AMERICAN CORRECTIONAL ASSOCIATION. ACA STANDARDS, ALONG WITH COMPANION DEPARTMENTAL STANDARDS, PROVIDED THE FRAMEWORK THAT SUPPORTED THE COMPLETION OF ALL DEPARTMENTAL POLICIES. COLLECTIVELY, THESE STANDARDS BECAME THE GOAL FOR CDOC POLICY DEVELOPMENT.

Note: Almost everything staff does is in policy and it all relates to an ACA standard.

2. AS A RESULT OF THE COMMITMENT TO MEET AND EXCEED THESE STANDARDS,

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

STAFF AND INMATES SAFETY ISSUES CAME TO THE FOREFRONT IN ALL AREAS OF PRISON OPERATIONS FROM FACILITY PHYSICAL PLANT DESIGN, SECURITY SYSTEMS, INVENTORY CONTROL, LIFE SAFETY, HOUSEKEEPING TO INMATE MANAGEMENT. GREATER EFFICIENCIES WERE ACHIEVED, WHICH ALLOWED THE DEPARTMENT TO BE MORE EFFECTIVE IN CRITICAL SYSTEM AREAS.

3. THE RESULT HAS BEEN AN EMPHASIS ON RELEVANT STAFF TRAINING, IMPROVED WORKING CONDITIONS, IMPROVED STAFF/INMATE RELATIONS AND SAFER, MORE SECURE CORRECTIONAL FACILITIES. MEETING ACA STANDARDS HAS ALSO IMPROVED OPERATIONAL EFFICIENCY THROUGHOUT THE CDOC.

Note: Perception is Reality!!! The courts, media and public will react to what they see. We are changing what they see through compliance with ACA standards. The courts will also measure us against the national standards, which happen to be

ACA.

4. MAINTAINING HIGH STANDARDS AND MEETING ACCREDITATION REQUIREMENTS HAS INCREASED PUBLIC AWARENESS OF THE CDOC AND IMPROVED OUR IMAGE. A TANGIBLE RESULT OF THIS IS CDOC STAFF IS NO LONGER PERCEIVED AS A GROUP OF LOW PAID PRISON GUARDS, BUT AS CORRECTIONAL PROFESSIONALS. THIS IS REFLECTED IN INCREASED PAY AND BENEFITS.

5. IN ORDER TO CERTIFY COMPLIANCE WITH THEIR STANDARDS, THE AMERICAN CORRECTIONAL ASSOCIATION AUDITS FACILITIES APPLYING FOR ACCREDITATION OR RE-ACCREDITATION. THE AUDIT PROCESS IS IMPORTANT, BECAUSE CORRECTIONAL EXPERTS FROM OUTSIDE THE FACILITY AND ITS PARENT AGENCY COMPARE PRACTICES OF THE FACILITY TO THE STANDARDS OF THE ACCREDITING

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

ASSOCIATION. THIS OUTSIDE LOOK IS CRITICAL TO THE PROCESS OF ENSURING STANDARDS ARE MET AND MAINTAINED.

D. FROM STANDARDS TO PRACTICE:

1. IN ORDER TO IMPLEMENT THE STANDARDS WHICH DRIVE THE OPERATION OF A SAFE AND SECURE FACILITY, THE STANDARDS ARE INCORPORATED INTO ADMINISTRATIVE REGULATIONS, OPERATIONAL MEMORANDUMS, AND POST ORDERS.

Be sure to stress sections 2. & 3. below.

2. **EACH TASK** WE PERFORM DAILY IS, IN SOME WAY, RELATED TO AN ACA OR DOC STANDARD. STANDARDS COMPLIANCE IS NOT SOMETHING THAT IS RESERVED FOR YEARLY AUDITS; RATHER STANDARDS COMPLIANCE IS SOMETHING DONE EVERY DAY AND IS AT THE HEART OF ROUTINE FACILITY

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

OPERATIONS.

3. IT IS NOT ALWAYS CONVENIENT TO PRACTICE THE STANDARDS, BUT THE STANDARDS ARE COMMON SENSE APPROACHES TO MAINTAINING SAFETY AND SECURITY IN A CORRECTIONAL ENVIRONMENT.
 - a. IT IS IMPORTANT TO KNOW WHEN A TOOL IS MISSING. IT IS INCONVENIENT TO TRACK TOOLS AND KEYS EVERYDAY, HOWEVER, INCONVENIENCE IS A SMALL PRICE TO PAY FOR SAFETY AND SECURITY.
 - b. IT IS INCONVENIENT TO TRACK CHEMICALS IN THE JANITOR CLOSETS. INCONVENIENCE IS A SMALL PRICE TO PAY TO AVOID A STAFF MEMBER HAVING A CHEMICAL THROWN IN THEIR FACE.

- E. TO VIEW ACA ACCREDITATION AND REVIEW AS A YEARLY "DOG AND PONY" SHOW IS TO EQUATE THE REMOVAL OF A SPLINTER WITH OPEN HEART SURGERY.
 - 1. MEETING AND EXCEEDING STANDARDS IS A STANDARD OPERATING PROCEDURE AT CSP.

VI SUBPROGRAMS AND SYSTEMS COMPRISING A FOUNDATION UPON WHICH CSP OPERATES.

- B. THE FOUNDATION OF THE PROGRAM IS SAFETY AND SECURITY.

Ask class to define a system!

Overhead 9

what is a system?

- 1. A SYSTEM IS A REGULARLY INTERACTING OR INTERDEPENDENT GROUP OF ITEMS FORMING A WHOLE.

Overhead 10

Program

- C. **CSP IS A PROGRAM.**
1. A PROGRAM DESIGNED TO PRESERVE ORDER IN OTHER CDOC FACILITIES.
 2. A PROGRAM DESIGNED TO CHANGE INMATE BEHAVIOR THROUGH COGNITIVE RESTRUCTURING AND BEHAVIOR MODIFICATION MANAGEMENT.
 3. A PROGRAM TO DEVELOP CONTEMPORARY PROFESSIONALS TO MEET THE CHALLENGES OF OUR MISSION.

Overhead 11

Security Wheel

- C. THE SECURITY WHEEL IS A SIMPLE GRAPHIC WHICH DESCRIBES HOW CSP OPERATIONS FIT TOGETHER, AND HOW SECURITY SYSTEMS AND OPERATIONS RELATE TO THE ENTIRE FACILITY
4. EVERY STAFF MEMBER WHO WORKS AT

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

CSP IS RESPONSIBLE FOR THE
OPERATION OF OUR SECURITY SYSTEMS.

5. WHEN WE UNDERSTAND THIS WE CAN SPEAK WITH CONSISTENCY TO INMATES AND CONVEY A UNIFORM MESSAGE.
- D. THE SPOKES OF THE WHEEL REPRESENT THE VARIOUS SECURITY SYSTEMS THAT DRIVE THE SECURITY FOUNDATION OF CSP.
 1. THE SPOKES PASS THROUGH THE VARIOUS DEPARTMENTS OF CSP.
 2. THE WHEEL ACTS AS A BLANKET THAT COVERS THE ENTIRE OPERATION OF CSP.
 3. NO PART OF THE FACILITY CAN OPERATE EFFECTIVELY WITHOUT BEING COMPLETELY AWARE OF SECURITY POLICY AND PRACTICES.
 4. ALL STAFF HAVE A MAJOR RESPONSIBILITY TO BE

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

KNOWLEDGEABLE AND PERFORM
EFFECTIVELY IN ALL THESE AREAS.

- E. THE PRINCIPLE OF THE WHEEL ALLOWS FOR SEAMLESS SECURITY OPERATIONS.
1. AS THE SPOKES PASS THROUGH EACH DEPARTMENT IT IS EXPECTED THAT THE QUALITY OF SYSTEMS OPERATION AND RELATED STAFF PERFORMANCE IS THE SAME IN EVERY PLACE.
 2. THERE SHOULD BE NO SEAM, OR DIFFERENCE, IN TERMS OF SECURITY SYSTEM PERFORMANCE FROM DEPARTMENT TO DEPARTMENTS IN CSP.
 3. NO SINGLE DEPARTMENT HAS THE OPTION OF ALTERING OR MODIFYING THE IMPLEMENTATION OF ANY SECURITY SYSTEM.
 4. CHANGES CAN BE MADE ONLY THROUGH THE CENTER OF THE WHEEL.

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

NOTES TO TRAINER

PRESENTATION GUIDE

- F. THE CENTER OF THE WHEEL IS THE SECURITY DEPARTMENT, HEADED BY THE CUSTODY/CONTROL MANAGER.
1. THE MANAGERS AT CSP HAVE RESPONSIBILITIES TO THE WARDEN'S OFFICE TO ASSURE SUCCESSFUL OPERATIONS OF SECURITY AND PROGRAMS, BUT ONLY ONE INDIVIDUAL IS ULTIMATELY RESPONSIBLE TO THE WARDEN'S OFFICE FOR THE DAILY MANAGEMENT OF SECURITY OPERATIONS.
2. IN TERMS OF SECURITY SYSTEMS COMPLIANCE, EVERY STAFF MEMBER AT CSP IS ACCOUNTABLE TO THE CUSTODY/CONTROL MANAGER.
- G. IN ORDER TO ASSURE SAFETY AND SECURITY, SYSTEMS WILL BE TESTED AND AUDITED ON AN ANNOUNCED AND UNANNOUNCED BASIS.
- H. ATTENTION TO DETAIL AND COMPLIANCE

Overhead 12 triangles

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****NOTES TO TRAINER****PRESENTATION GUIDE**

WITH EACH DETAIL IN EVERY SECURITY SYSTEM IS ABSOLUTELY NECESSARY TO MAINTAIN SAFETY AND SECURITY.

I. CSP PHYSICAL PLANT**Overhead 13 Physical Plant**

**Note: Stress that CSP
is not unbeatable!!!!**

1. SECURITY ENVELOPING FROM CELL TO PERIMETER.
 - a. A CELL IS AN ENVELOPE.
 - b. THE CELLS ARE CONTAINED WITHIN THE DAYHALL, WHICH IS AN ENVELOPE, ETC..
2. CONTROL OF INMATE MOVEMENT THROUGH ENVELOPES.
 - a. MOVEMENT OF INMATES THROUGHOUT THE FACILITY IS A SLOW AND METHODICAL PROCESS

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****NOTES TO TRAINER****PRESENTATION GUIDE**

b. THE NUMBER OF ENVELOPES THROUGH WHICH AN INMATE MOVES, IS A PART OF THE DESIGN THAT GIVES CSP A GREATER DEGREE OF SECURITY THAN ANY OTHER FACILITY IN THE CDOC.

Overhead 14 Physical Plant Continued

3. TECHNOLOGY TO AID HARD SECURITY SYSTEMS.

Note: At CSP, there are nine barriers to compromise for an inmate to escape through an entry point, however, there is only one barrier to compromise inside an inmates cell, being the wall. This is why cell inspections are so important.

a. WE NEED TO HAVE AN ACUTE KNOWLEDGE OF THE EQUIPMENT WE ARE WORKING WITH, FOR THE SECURITY SYSTEMS TO FUNCTION PROPERLY (i.e., CONTROL CENTER COMPUTERS.).

b. WE MUST BE FOCUSED AT ALL TIMES, WHILE ON POST. THE

SECURITY SYSTEMS ARE HIGHLY ADVANCED, AND REQUIRE CONSTANT MONITORING.

- c. WE MUST GUARD AGAINST COMPLACENCY. KEEP IN MIND, CSP'S SECURITY SYSTEMS ARE REDUNDANT AND HAVE A TENDENCY TO BREED COMPLACENCY.

Technology is useless if staff become complacent in daily work assignments.

VII PROGRAMS ORGANIZATION AND THE ROLE IT PLAYS IN CSP'S MISSION.

- A. THE SECURITY SYSTEMS PROVIDE THE FRAMEWORK OR "ENVELOPE" OF SAFETY AND CONTROL WITHIN WHICH THE COMMUNITY OF PROGRAM PROVIDING STAFF DELIVER THEIR CRITICAL SERVICES.
- B. THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM IS THE FOCUS OF BEHAVIOR MODIFICATION AT CSP.

1. INMATES ARE HELD ACCOUNTABLE FOR THEIR NEGATIVE BEHAVIOR AND NEGATIVE BEHAVIOR PRODUCES IMMEDIATE NEGATIVE CONSEQUENCES.

2. STAFF ARE EMPOWERED TO REDUCE PRIVILEGES AND QUALITY OF LIFE LEVELS.

3. STAFF CAN EXERCISE CAREFUL DISCRETION IN USING THIS BEHAVIOR MANAGEMENT TOOL.

4. DOCUMENTATION, BOTH POSITIVE AND NEGATIVE, IS ABSOLUTELY IMPERATIVE IN ORDER TO MAINTAIN THE CREDIBILITY OF THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM.

5. THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM IS INTENDED TO BE A COMPREHENSIVE BEHAVIOR CHANGING TOOL, TO BE USED BY ALL STAFF WHO

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

COME IN CONTACT WITH CSP INMATES.

6. CHECKS AND BALANCES ARE IN PLACE TO REVIEW THE OPERATION OF THE QUALITY OF LIFE LEVEL SYSTEM. THIS GOES HAND IN HAND WITH EMPOWERMENT OF STAFF IN VERY SENSITIVE AREAS OF INMATE MANAGEMENT.

a. DOCUMENTATION IS THE KEY COMPONENT OF CHECKS AND BALANCES.

C. THE QUALITY OF LIFE IS DIRECTLY LINKED TO AN INDIVIDUALS BEHAVIOR. THE INDIVIDUALS BEHAVIOR DIRECTLY AFFECTS HOW MUCH TIME THEY SPEND AT CSP.

1. THE INMATE IS PROVIDED INCENTIVES TO IMPROVE HIS QUALITY OF LIFE AT CSP, THE ULTIMATE INCENTIVE BEING TO RETURN TO GENERAL POPULATION

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

2. THE SUCCESSFUL COMPLETION OF RECOMMENDED PROGRAMS, BY AN INMATE, IS A SIGNIFICANT FACTOR IN HIS PROGRESSION THROUGH THE QUALITY OF LIFE LEVEL SYSTEM.

Overhead 15 Case Managers

- D. CASE MANAGERS AND THE CASE MANAGEMENT SYSTEM PLAYS A VERY UNIQUE ROLE AT CSP.
 1. THE CASE MANAGEMENT SYSTEM IS THE FOCAL POINT OF THE OPERATION OF THE BEHAVIOR MODIFICATION PROGRAM OPERATION.
 2. WHEN AN INMATE ARRIVES AT CSP, CASE MANAGEMENT DEVELOPS A PROGRAM PLAN THAT IDENTIFIES BEHAVIORAL NEEDS THAT AN INMATE MUST ADDRESS IN ORDER TO PROGRESS THROUGH THE LEVEL SYSTEM AND EVENTUALLY RETURN TO GENERAL POPULATION.

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****NOTES TO TRAINER****PRESENTATION GUIDE**

3. INFORMATION ABOUT INDIVIDUAL INMATES FROM STAFF IN DIFFERENT AREAS OF THE FACILITY FUNNEL INTO CASE MANAGEMENT AND BASED ON A REVIEW OF ALL THE INFORMATION, CASE MANAGERS MAKE RECOMMENDATIONS TO THE CLASSIFICATION COMMITTEE REGARDING AN INMATE'S STATUS.

Overhead 16 Case Managers Continued

4. CASE MANAGERS WILL USE THIS INFORMATION TO TRACK THE INMATE'S PROGRESS WITHIN THE QUALITY OF LIFE LEVEL SYSTEM.
5. IT IS CRITICALLY IMPORTANT THAT CASE MANAGERS ACT AS LIAISONS BETWEEN INMATES, CUSTODY/CONTROL STAFF, MENTAL HEALTH STAFF AND PROGRAMS STAFF.
 - a. THIS PROFESSIONAL SERVICE IS

IMPORTANT FOR PROVIDING SUPPORT TO INMATES WHO ARE MAKING GENUINE EFFORTS IN CHANGING THEIR BEHAVIOR.

6. THE ROLE OF THE CASE MANAGER IS VITAL IN SUPPORTING THE MISSION OF CSP.

C. THE PRO-UNIT PROVIDES CSP AN OPPORTUNITY TO EVALUATE INMATES IN A STRUCTURED GROUP SETTING PRIOR TO PROGRESSION TO GENERAL POPULATION.

1. INMATES MUST SUCCESSFULLY COMPLETE A THOROUGH AND STRINGENT SELECTION PROCESS BEFORE BEING APPROVED FOR PLACEMENT INTO THE PRO-UNIT.

a. SIMPLY MEETING THE CRITERIA FOR THE PRO-UNIT DOES NOT MEAN THE INMATE WILL BE APPROVED FOR MOVEMENT.

Overhead 17 Levels of Review**Note: Pro Unit is Levels 4 & 5**

- b. THERE ARE FIVE LEVELS OF REVIEW THAT TAKE PLACE PRIOR TO INMATES BEING APPROVED FOR PLACEMENT INTO THE PRO-UNIT.
- CASE MANAGER RECOMMENDATION.
- AN INTERVIEW WITH THE CASE MANAGER III.
- CSP CLASSIFICATION.
- CSP WARDEN.
- OFFENDER SERVICES.
2. THE PRO-UNIT IS DESIGNED TO CHALLENGE AN INMATE TO CONTROL HIS BEHAVIOR IN A LESS SECURE SETTING, WHILE PARTICIPATING WITH OTHER INMATES IN GROUPS OF EIGHT, IN PROGRAMS DESIGNED TO CHALLENGE THEIR THINKING PROCESS.

AND THEREFORE THEIR BEHAVIOR.

3. THROUGH EVERY PHASE OF THE PRO-UNIT , AN INMATES BEHAVIOR AND ATTITUDE IS CONSTANTLY ASSESSED AND EVALUATED TO DETERMINE THE INMATES ABILITY TO FUNCTION IN GROUP SETTINGS.
4. INMATES WHO FAIL THE PRO-UNIT ARE RETURNED TO LEVEL 1 AND RESTRICTED PRIVILEGE STATUS.
 - a. A STAFFING HAS TO OCCUR FOR AN INMATE IN THE PRO UNIT TO BE REGRESSED TO LEVEL 1.
 - b. THE STAFFING IS A MEETING OF INDIVIDUALS WHO ARE ASSOCIATED WITH THAT PARTICULAR INMATE'S DAILY LIFE AND ACTIVITIES (RECREATION, MENTAL HEALTH, EDUCATION,

CASE MANAGER, ETC.). THE STAFFING IS CHAIRED BY THE CASE MANAGER II.

c. AT THE CONCLUSION OF THE STAFFING, A DECISION WILL BE MADE WHETHER THE INMATE WILL BE GIVEN ANOTHER CHANCE OR WILL BE REDUCED TO LEVEL I.

5. INMATES WHO SUCCEED IN THE PRO-UNIT ARE PROGRESSED TO GENERAL POPULATION.

Note: Only 5.4 % of the inmates that leave the Pro Unit return to CSP.

D. THE EMPHASIS PLACED ON PROGRAM PARTICIPATION IS REALLY WHAT SEPARATES CSP FROM OTHER CONTROL UNITS. THIS IS ONE OF THE SIGNIFICANT REASONS THAT CSP HAS GAINED A REPUTATION NATIONALLY AND INTERNATIONALLY AS THE LEADER IN CONTROL UNIT POLICY AND PRACTICES.

INSTRUCTOR OUTLINE **CSP MISSION AND PHILOSOPHY**

NOTES TO TRAINER

PRESENTATION GUIDE

1. ACADEMIC EDUCATION INCLUDES:

- ADULT BASIC EDUCATION.
- GED.
- INDEPENDENT STUDY.
- SECONDARY EDUCATION.

2. COGNITIVE EDUCATION INCLUDES:

- HOW TO DO YOUR TIME.
- ANGER MANAGEMENT.
- SUBSTANCE ABUSE.
- CRIME IMPACT.
- PRISON LIFE SKILLS.
- GANGS.

3. RECREATION PROGRAMS ALLOW STAFF TO FURTHER OBSERVE AND ASSESS INMATES' BEHAVIOR IN GROUP SETTINGS.

4. PRE AND POST PSYCHOLOGICAL TESTING IS DONE TO DETERMINE CHANGES IN THE INMATE'S THINKING.

VIII **CODE OF PENAL DISCIPLINE AND ITS ROLE AT CSP.**

Ask group what are the differences between Quality of Life Levels, and COPD sanctions? List and discuss answers. (Quality of Life empowers staff to immediately manage inmate behavior, and COPD sanctions are designed to punish behavior only after Due Process Hearing)

A. THE CODE OF PENAL DISCIPLINE STILL FUNCTIONS AS A MANAGEMENT TOOL, BUT SANCTIONS PLACED ON AN INMATE AS A RESULT OF A GUILTY FINDING ARE **CONSIDERED PUNISHMENT**, AND CAN ONLY BE APPLIED AFTER A **DUE PROCESS HEARING**.

1. THE CODE OF PENAL DISCIPLINE PROVIDES A METHOD OF IMPOSING SPECIFIC SANCTIONS ONLY, AFTER A

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****PRESENTATION GUIDE**

DUE PROCESS HEARING, FOR
SPECIFICALLY IDENTIFIED VIOLATIONS
OF RULES.

Note: Inmates are not assigned to CSP for punishment, they are assigned to CSP for incapacitation. COPD sanctions are imposed as punishment.

2. THIS CERTAINLY HAS VALUE IN TERMS OF BEING A BEHAVIOR MANAGEMENT TOOL. IT ALSO PROVIDES A PERMANENT RECORD OF BEHAVIOR.

B. BY COMPARISON, THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM, IS A TOTALLY SEPARATE SYSTEM DESIGNED SPECIFICALLY TO CHANGE BEHAVIOR BY INSTANTLY RESPONDING TO NEGATIVE BEHAVIOR. THE RESPONSE IS TO WITHDRAW INCENTIVES, BASED ON THE DOCUMENTATION OF OBSERVED INAPPROPRIATE BEHAVIOR.

1. AWARDING OR DENYING INCENTIVES IS BASED ON BEHAVIOR AND DOES NOT REQUIRE A DUE PROCESS HEARING.

2. A HEARING IS NOT REQUIRED, BECAUSE THE INMATES BEHAVIOR DETERMINES HIS INCENTIVE LEVEL AND THE INCENTIVE LEVEL DETERMINES WHAT PRIVILEGES THE INMATE RECEIVES.
 - a. AS AN EXAMPLE, AN INMATE AT LEVEL THREE IS FOUND GUILTY OF A CLASS 2 CODE OF PENAL DISCIPLINE INFRACTION. THE INMATE MAY NOT BE REDUCED TO A DIFFERENT LEVEL, BUT BASED ON THE FINDING OF GUILT AS A RESULT OF THE DUE PROCESS HEARING, MAY LOSE CERTAIN LEVEL 3 PRIVILEGES FOR A SPECIFIED PERIOD OF TIME.
 - b. AS AN EXAMPLE, AN INMATE AT LEVEL 3 RECEIVES A NOT GUILTY FINDING AFTER A DUE PROCESS HEARING, BUT DUE TO THE BEHAVIOR HE ENGAGED IN, HE

MAY STILL BE REMOVED FROM
LEVEL 3 TO LEVEL 2 OR LEVEL 1.

Overhead 18

Quality of Life

3. THE QUALITY OF LIFE INCENTIVE LEVEL SYSTEM IS SOLELY BEHAVIOR BASED, WITH THE PURPOSE OF MODIFYING BEHAVIOR, WHILE THE CODE OF PENAL DISCIPLINE IS DESIGNED TO PROVIDE SPECIFIC PUNISHMENTS FOR SPECIFIED ACTS THAT ARE VIOLATIONS OF THE CODE. THOSE SANCTIONS CAN ONLY BE IMPOSED AFTER A DUE PROCESS HEARING.

Overhead 19

Disciplinary Officer

- C. ROLE OF THE DISCIPLINARY OFFICER.
 1. THE DISCIPLINARY OFFICER SERVES AS THE PROSECUTOR FOR CSP IN HEARINGS THAT FALL UNDER THE CODE OF PENAL DISCIPLINE.

2. THE DISCIPLINARY OFFICER REVIEWS ALL INCIDENT REPORTS TO DETERMINE WHAT CHARGES, IF ANY, ARE WARRANTED UNDER THE CODE OF PENAL DISCIPLINE.

3. THE DISCIPLINARY OFFICER PRESENTS THE FACILITIES CASE TO THE HEARINGS OFFICER.

Overhead 20

Quality of Life

4. IN ORDER TO KEEP THE QUALITY OF LIFE LEVEL SYSTEM ENTIRELY SEPARATE FROM THE CODE OF PENAL DISCIPLINE, THE DISCIPLINARY OFFICER MUST NOT TAKE INTO CONSIDERATION ANY ACTIONS TAKEN UNDER THE INCENTIVE LEVEL SYSTEM IN DETERMINING WHETHER OR NOT TO PROCEED WITH CHARGES UNDER THE CODE OF PENAL DISCIPLINE.

IX CLINICAL SERVICES FUNCTION WITHIN CSP.

- A. MENTAL HEALTH TREATMENT ASSISTS IN OFFENDER MANAGEMENT AND PROVIDES SERVICES THAT ENHANCE OFFENDER STABILITY AND PERSONAL GROWTH.

Note: Emphasize that Mental Health is a part of the team, and has a critical role in managing inmates.

- 1. CSP MENTAL HEALTH STAFF INCLUDE: ONE HALF TIME PSYCHIATRIST, TWO PSYCHOLOGISTS, THREE SOCIAL WORKERS, ONE MENTAL HEALTH CLINICIAN AND SIX SUBSTANCE ABUSE COUNSELORS WHO PROVIDE A MULTI-DISCIPLINARY APPROACH TO MENTAL HEALTH SERVICES AND INMATE MANAGEMENT.
- 2. MENTAL HEALTH SERVICES AT CSP INCLUDE:

Overhead 21 Services

- INTAKE ASSESSMENT.
- SCREENING OF INMATES.
- PSYCHIATRIC SERVICES FOR MEDICATION & TREATMENT.
- ON-GOING PSYCHOLOGICAL EVALUATION & TESTING.
- SERIOUS MENTAL ILLNESS TREATMENT.
- PERSONALITY DISORDER TREATMENT.
- GROUP FACILITATION (PRO-UNIT)
- PSYCHOLOGICAL CRISIS INTERVENTION.
- STAFFINGS WITH OTHER CSP STAFF.
- STAFF TRAINING.
- SPECIALTY TREATMENT FOR INMATES SUCH AS,

- DRUG & ALCOHOL.
- DUAL DIAGNOSIS TREATMENT.
- STRESS MANAGEMENT.
- ANGER MANAGEMENT.
- VIOLENCE MANAGEMENT.

Overhead 22

Mental Health

3. MENTAL HEALTH STAFF AT CSP MAKE UP A STRONG COMPONENT OF CSP AND WHEN WORKING WITH CUSTODY/CONTROL, PROGRAMS, AND CASE MANAGEMENT, THEY PROVIDE CONSISTENT INMATE MANAGEMENT AND CONDITIONS THAT STRONGLY ENCOURAGE INMATES TO MODIFY THEIR BEHAVIOR.

Overhead 23 Typical Inmate

4. TYPICAL INMATES AT CSP EXHIBIT A COMBINATION OF MENTAL ILLNESS AND ANTI-SOCIAL PERSONALITY DISORDER. THESE INMATES DISPLAY THE FOLLOWING CHARACTERISTICS:
 - a. ACTING OUT AGAINST AUTHORITY, STANDARDS AND RULES.
 - b. GETTING “OVER ON” POWER VS. WEAKNESS, YOU VS. ME. ENJOYING

POWER BASED RELATIONSHIPS.

c. LACK OF CARING AND CONCERN FOR OTHERS. THEY DO NOT RECOGNIZE THE IMPACT OF THEIR ACTIONS ON OTHERS.

Overhead 24

“seen as vain”

d. THEY MAY BE SEEN AS VAIN AND SELF ABSORBED, BUT OFTEN WILL NOT TAKE CARE OF THEMSELVES VERY WELL.

e. ANTI-SOCIALS MAY ACT OUT FEELINGS BY TRYING TO MANIPULATE OTHERS WITH ANGER. THEY USE ENVIRONMENTAL STIMULATION TO FEEL, SO THEY ATTEMPT TO CREATE CRISIS AND CONFLICT IN THEIR ENVIRONMENT.

f. THEY WILL NOT TAKE RESPONSIBILITY AND WILL BLAME OTHERS FOR THEIR MISTAKES.

NOTES TO TRAINER

PRESENTATION GUIDE

THEY ARE THE VICTIM AND WHAT
THEY DID WAS NOT THEIR FAULT.
THE VICTIM DESERVED WHAT
HE/SHE RECEIVED.

Overhead 25 Basic Principles

5. BASIC PRINCIPLES FOR MANAGING ANTI-SOCIAL BEHAVIOR.

- a. DO NOT TAKE THE BEHAVIOR PERSONALLY. REACT TO THE BEHAVIOR WITHIN ESTABLISHED POLICY. **DO NOT REACT EMOTIONALLY.**

Ask group if they are capable of making a rational decision when they are in an emotional state? The answer is probably not.

- b. DO NOT GET CAUGHT IN THE TRAP OF COMMITTING TO SOMETHING YOU CAN NOT DELIVER.
- c. DO NOT GET CAUGHT IN THE TRAP OF THREATS (i.e. I WILL FILE A LAW SUIT, OR I WILL GO OVER YOUR

HEAD.).

- d. DO NOT LET THEM BRING YOU DOWN TO THEIR LEVEL. IF YOU ALLOW THEM TO DO THIS THEY WIN. THEY HAVE BEATEN YOU WHEN YOU ALLOW THEM TO SHAPE YOUR BEHAVIOR/JOB PERFORMANCE.

X. **HOUSEKEEPING , MAINTENANCE ,AND THEIR IMPORTANCE TO CSP**

Overhead 26

Housekeeping

A. **HOUSEKEEPING AND THE CSP MISSION.**

- 1. CSP BELIEVES THAT THE HIGHEST FORM OF CLEANLINESS IS EVERYONE'S RESPONSIBILITY. CLEANLINESS SERVES AS A CRITICAL SYMBOL, IT PROVIDES EVIDENCE THAT AT CSP WE PAY ATTENTION TO DETAIL. ATTENTION TO DETAIL IS THE FOUNDATION OF ALL CSP OPERATIONS.

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY**

PRESENTATION GUIDE

2. HOUSEKEEPING IS RESPONSIBLE FOR TRAINING STAFF AND INMATES IN PROPER CLEANING METHODS, PRODUCT USAGE, AND CHEMICAL INVENTORY TECHNIQUES.

Note: If the facility is clean, it means staff are paying attention to details. Which probably also means staff are paying attention to other operations within the facility.

3. HOUSEKEEPING IS RESPONSIBLE FOR THE APPEARANCE OF SPECIFIED CORE AREAS (NOT INCLUDING THE LIVING UNITS) AND DEEP CLEANING OF ALL AREAS WITHIN THE FACILITY.

Overhead 27 Maintenance

- B. FACILITY MAINTENANCE AND THE CSP MISSION.

1. CSP IS A HIGHLY ADVANCED TECHNOLOGICAL FACILITY. THE SECURITY SYSTEMS HAVE TO BE

MAINTAINED AND MUST FUNCTION AT ALL TIMES. IF ONE SYSTEM IS NOT FUNCTIONING PROPERLY, THEN SECURITY, AS A WHOLE, IS COMPROMISED AND THAT DEFEATS CSP'S MISSION.

XI PROFESSIONALISM AS IT PERTAINS TO INMATE AND SYSTEM MANAGEMENT

Overhead 28

Professionalism

- A. PROFESSIONALISM DEMANDS THE PRACTICE OF NOT ONLY THE LETTER OF SYSTEMS, BUT THE SPIRIT AS WELL. INDIVIDUAL INTEGRITY, HONOR, AND TRUST ARE ETHICS UPON WHICH PROFESSIONALISM IS BUILT.
- PROFESSIONALISM INCLUDES:

Have participants define Professionalism.

- ATTENTION TO ATTIRE.
- MANNERISMS.
- APPROPRIATE COMMUNICATION.
- FOCUS ON JOB PERFORMANCE.

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****NOTES TO TRAINER****PRESENTATION GUIDE**

Note: Emphasize staff relations. How they treat each other is as important as how they treat the inmates. Refer to AR 1450-01, and how important it is for staff to comply with this policy.

- B. PROFESSIONALS HAVE A COMMITMENT TO FUNDAMENTAL PRINCIPLES FOR HUMANE AND APPROPRIATE ACTIONS IN HUMAN RELATIONS.

Overhead 29 Detail

- C. ATTENTION TO DETAIL IN SYSTEMS OPERATION IS CRITICAL TO SAFETY OF THE STAFF.
1. IF THE INMATE CLEANING SUPPLIES ARE NOT INVENTORIED AFTER EVERY USE, WHO KNOWS WHAT IS MISSING, WHEN THE ITEM CAME UP MISSING, WHAT INMATE HAS THAT ITEM, AND WHAT CAN BE DONE TO STAFF WITH THAT ITEM?
 2. IF FOOD TRAYS ARE NOT ACCOUNTED FOR, HOW MANY WEAPONS CAN BE MADE FROM A TRAY LID?

3. ATTENTION TO DETAIL IS IMPERATIVE FOR THE SAFETY OF STAFF IN CONTROL UNITS. YOU MAY NOT FEEL TO GOOD IF ANOTHER STAFF MEMBER WAS INJURED BY A TRAY LID SHANK, BECAUSE ACCOUNTING FOR FOOD TRAY LIDS WAS JUST TOO INCONVENIENT.

Overhead 30 Professionalism

- C. PROFESSIONALISM DEMANDS THAT INMATE MANAGEMENT BE APPROPRIATE AND MEET THE HIGHEST STANDARDS OF OUR PROFESSION.
 1. HOW WE VIEW OUR MISSION AND THEREFORE OUR JOB, GOES ALONG WAY IN HOW WE MANAGE INMATES.
 - a. IT IS DIFFICULT TO WORK IN THIS ENVIRONMENT AND NOT LOSE FOCUS.

**INSTRUCTOR OUTLINE
CSP MISSION AND PHILOSOPHY****PRESENTATION GUIDE**

b. WE MAKE IT POSSIBLE FOR OTHER CDOC FACILITIES TO OPERATE SAFELY AND ORDERLY, BY MANAGING THOSE INMATES WHO EITHER WILL NOT OR CAN NOT BE MANAGED AT LESS SECURE FACILITIES.

Overhead 31 Normal

c. IT IS NORMAL TO LOSE SIGHT OF THIS FACT AND BEGIN TO THINK THAT BECAUSE WE HAVE TO TAKE ALL SERVICES, SUCH AS, FOOD, LAUNDRY, MAIL ETC., TO THE INMATES, THAT WE ARE SERVING INMATES. THIS IS NOT THE CASE.

d. THESE SERVICES ARE TAKEN TO THE INMATES, BECAUSE WE DO NOT TRUST THE INMATES TO DO THESE THINGS ON THEIR OWN.

e. WE ACCOMPLISH THIS SERVICE FOR THE PUBLIC AND FOR THE STAFF WORKING AT THE LESS SECURE

FACILITIES, BY MANAGING AND
HOUSING THESE INMATES AT CSP.

Overhead 32 Environment

2. WE KNOW IN THIS ENVIRONMENT, WE NEED TO WATCH OUT FOR EACH OTHER.
 - a. IF WE DO NOT WATCH OUT FOR EACH OTHER, THEN PHYSICAL SAFETY IS ALWAYS IN JEOPARDY. THE INMATES THAT ARE HOUSED INSIDE OF CSP ARE ALWAYS AWARE OF ANY DETAILS THAT ARE OUT OF PLACE AND WILL CAPITALIZE UPON THEM, WHENEVER THEY CAN.

Note: Not only do we need to watch out for each other physically, but we need to make sure each other does the right thing mentally. Don't let others make mental mistakes that can get someone hurt or someone to lose their job.

b. WE ARE NOT DOOR WARRIORS, WE ARE NOT GUARDS, AND WE ARE NOT THUGS. WE ARE CORRECTIONAL PROFESSIONALS AT ONE OF THE MOST WELL RESPECTED INSTITUTIONS OF IT'S TYPE IN THE WORLD AND WE ARE DEDICATED TO KEEPING IT THAT WAY.

XII SUMMARY

Ask group what are the three components of CSP's Mission Statement?

Refer to Overhead 4,5,&6

- B. REVIEW CSP'S MISSION STATEMENT.
- C. IT IS IMPORTANT TO UNDERSTAND THE MISSION AND PHILOSOPHY, AND TO UNDERSTAND WHAT WE ARE ABOUT AT CSP.
- D. ALL COMPONENTS OF THE PROGRAM THAT IS CSP ARE IMPORTANT, AND MUST BE VIEWED AS MISSION CRITICAL.



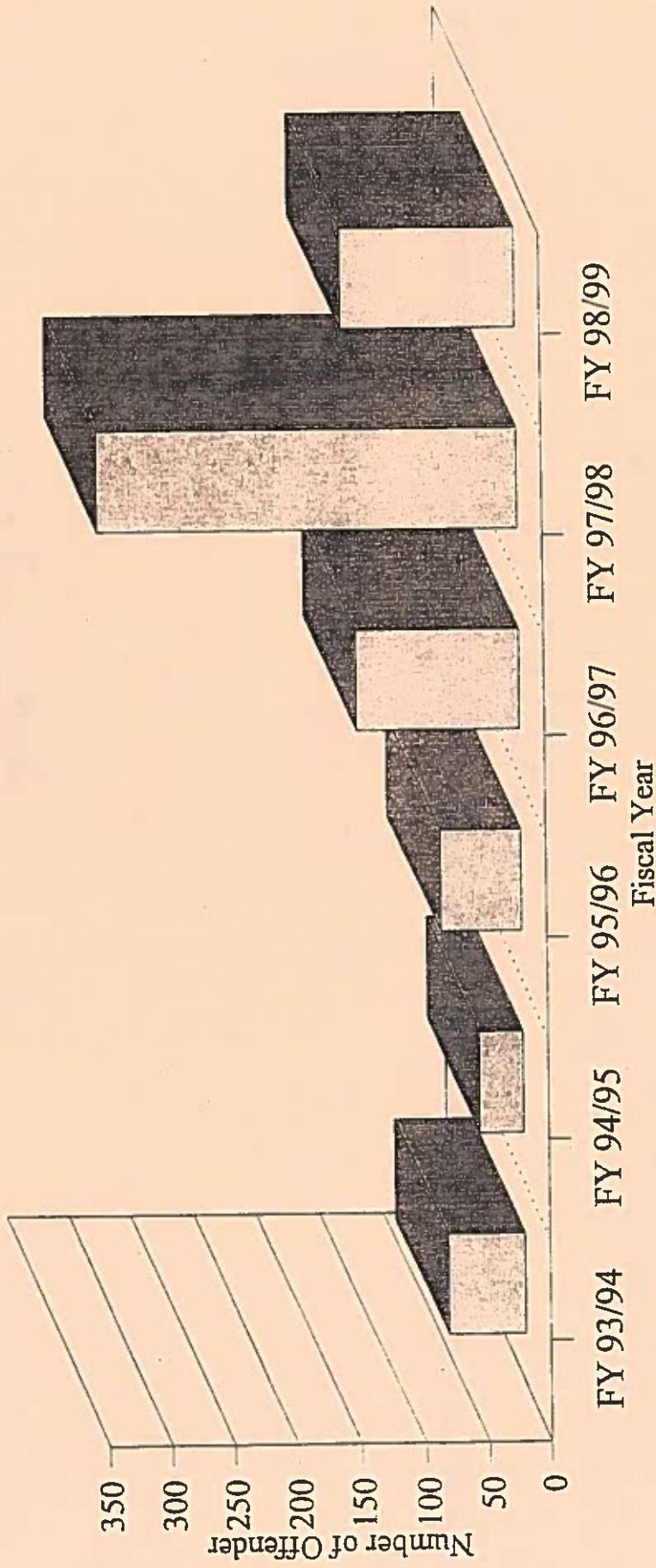
Colorado State Penitentiary

Vital Statistics

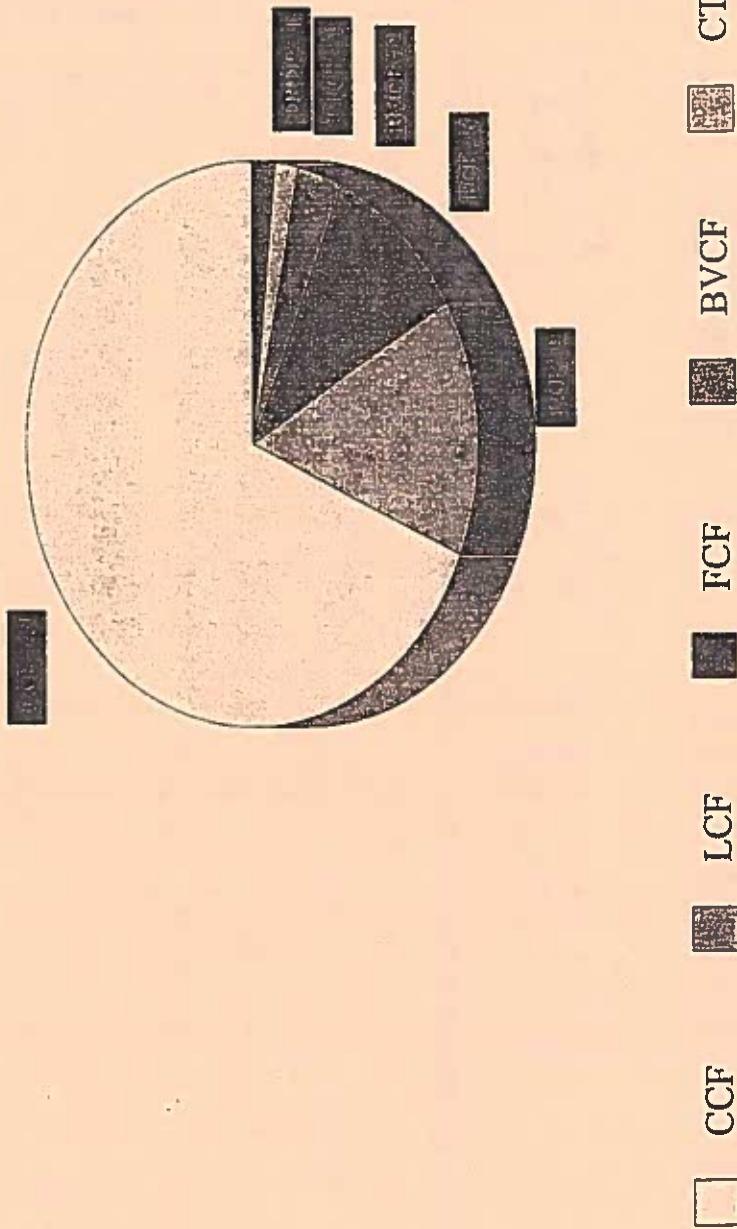
Progression of Inmates

The following is a graphic showing the number of inmates still currently at CSP and the fiscal year of their arrival. This shows that 61 inmates who were transferred from other facilities still currently remain at CSP.

Offenders Still at CSP by Fiscal Year Arrival



Originating Facility of 61 Offenders

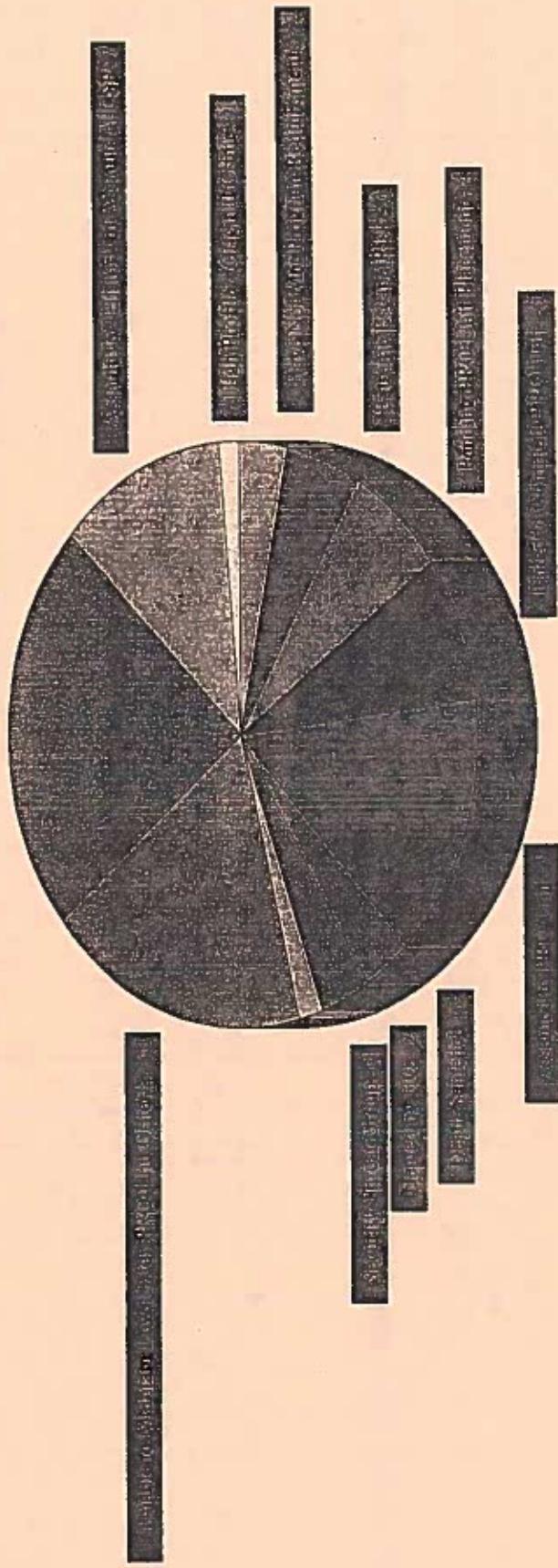


Long-Term Administrative Segregation Inmates

Of the 42 inmates transferred from CCF, 40 received their Administrative Segregation classification prior to 1993 with the earliest in 1985.

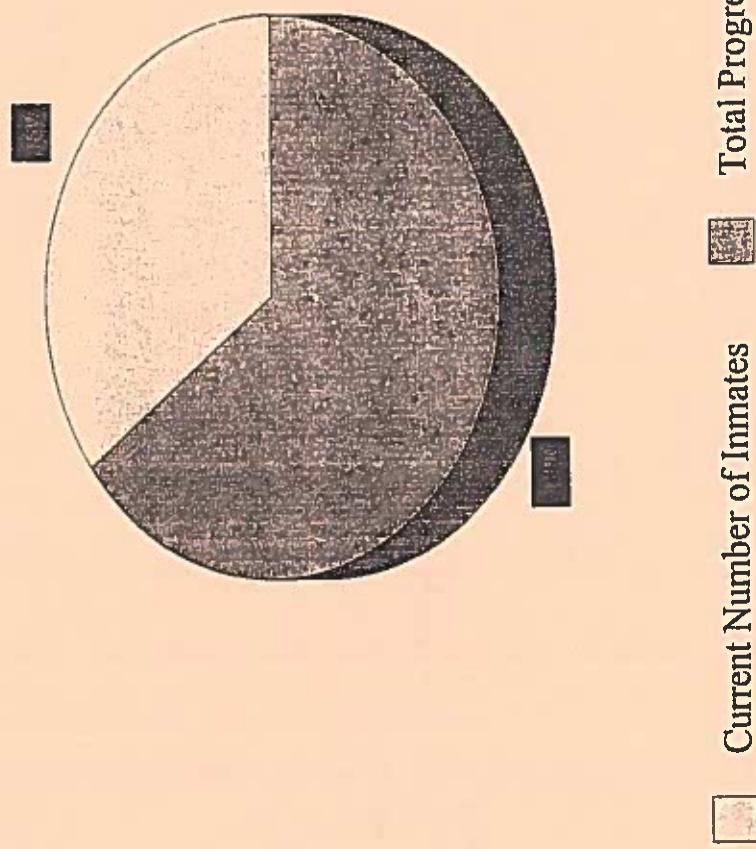
Reasons for Continued Administrative Segregation

Original 61 Offenders

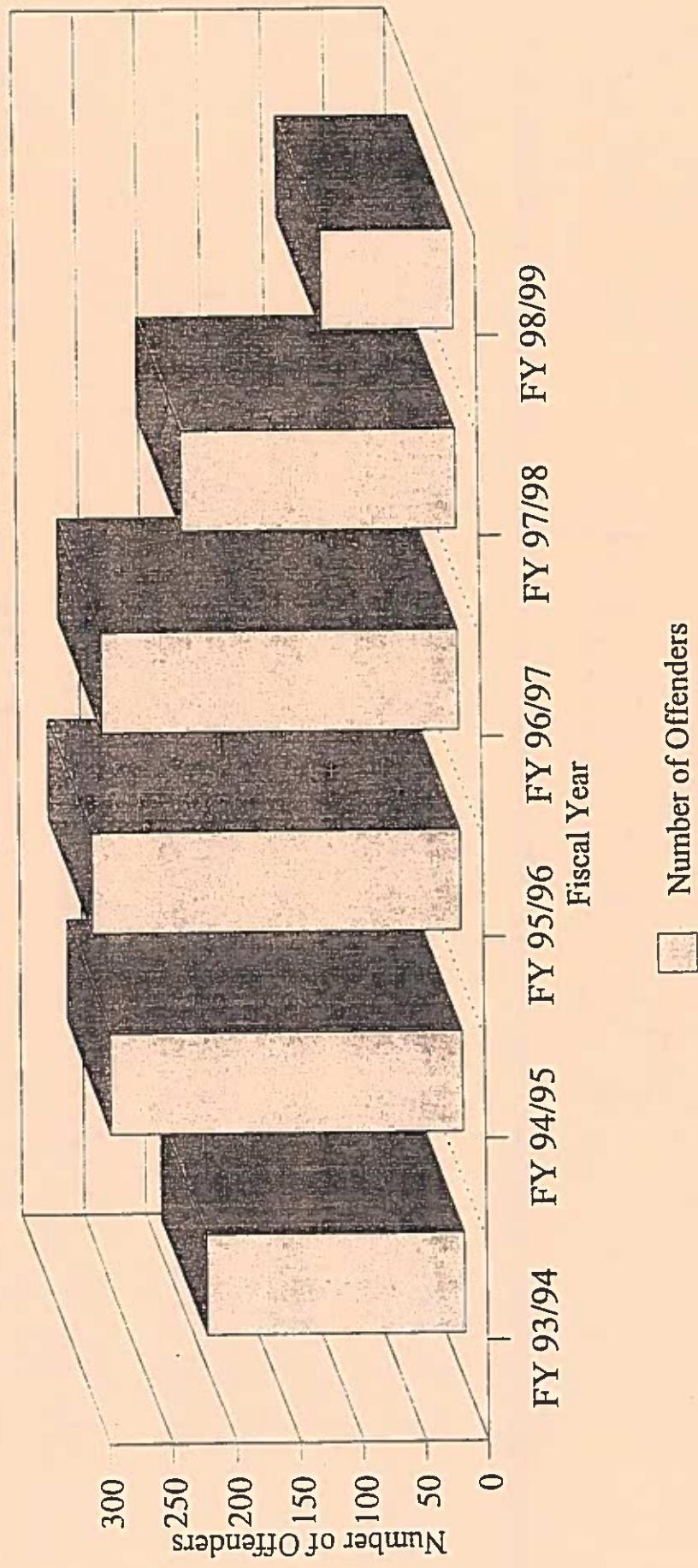


A total of 2150 inmates have been assigned to CSP.
Of those 2150 inmates, 1390 inmates are no longer
housed at CSP.

Total Number of Offenders Progressed



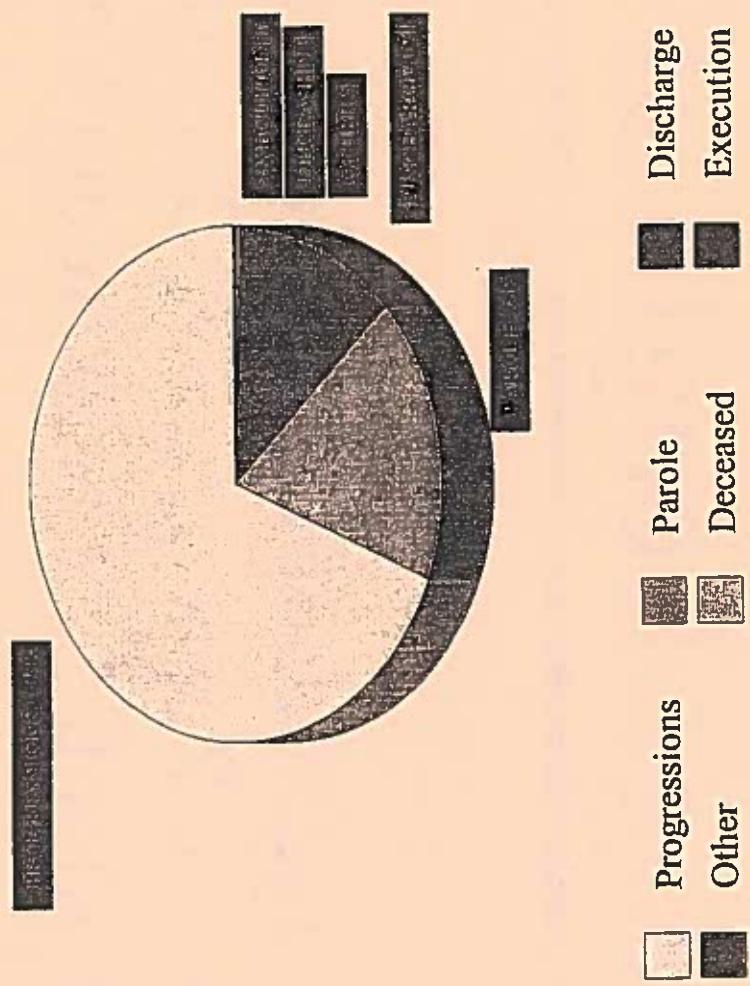
Offender Progression by Fiscal Year



Conclusion

- ▷ CSP is not a warehouse for problem inmates.
- ▷ Movement through CSP is not stagnant.
- ▷ Only 11.8% of those inmates who were originally assigned to CSP are still at CSP.
 - ▷ SPECIAL NOTE: The following is a breakdown of the 1390 offenders who have left CSP.

1390 Offenders Who Have Left CSP



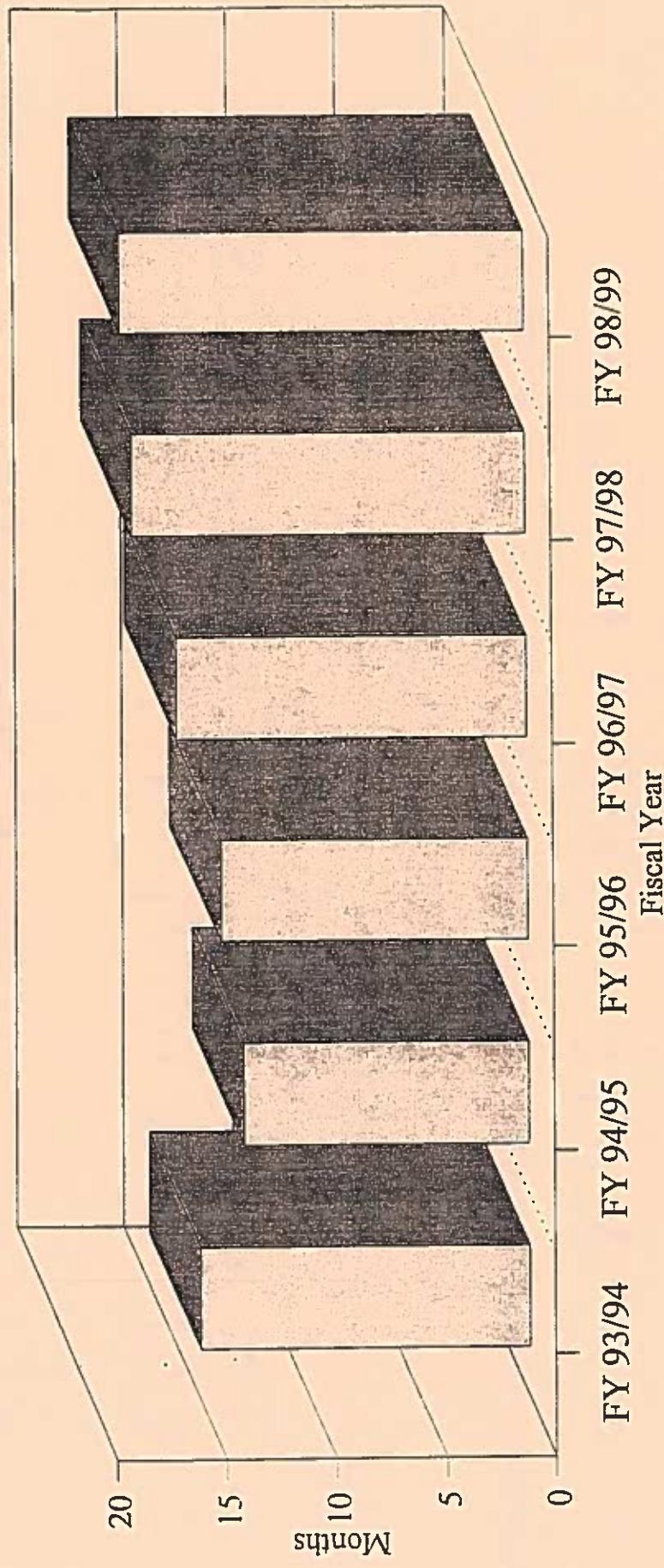
Average Length of Stay

Months

The average stay at CSP, prior to the PRO (Progressive Reintegration Opportunity) Unit was 12.6 months. The introduction of the PRO Unit program has extended the stay at CSP to an average of 18.5 months. This is the reason why 334 of the inmates who arrived at CSP in FY 97/98 are still at CSP - this was the start of the PRO Unit.

Average Length of Stay

Months

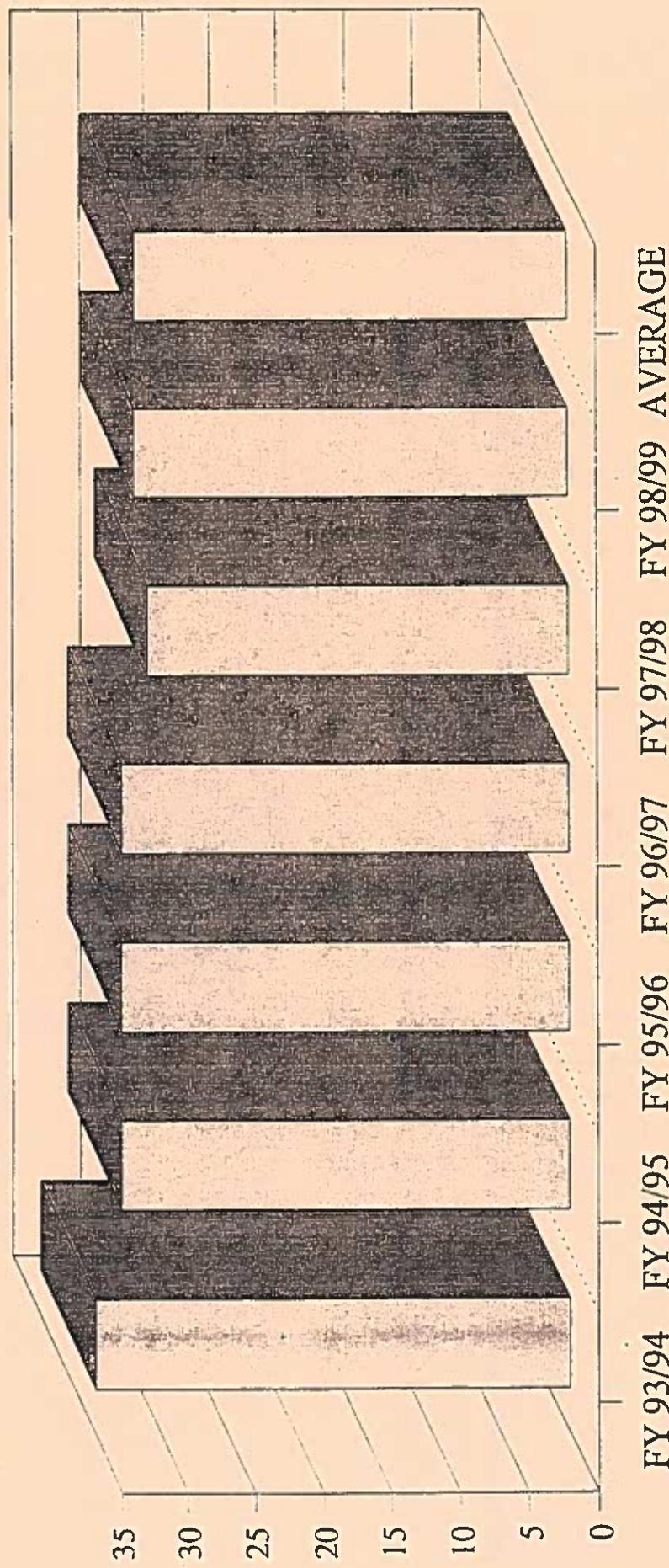


CSP Age Group

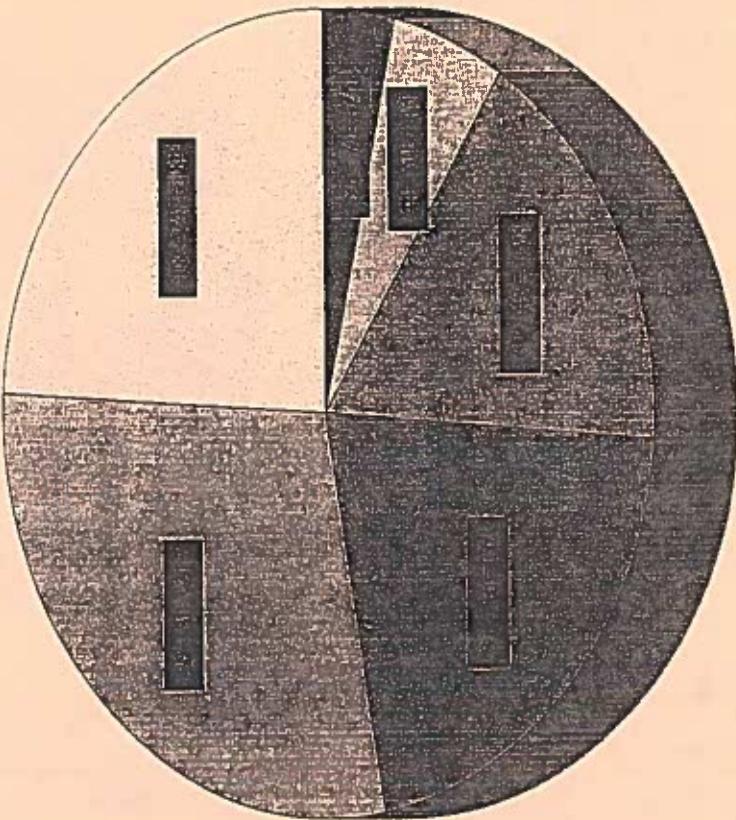
Average Age

- ▷ The average age of all inmates housed at CSP in FY 93/94 was 35.
- ▷ The average age of all inmates housed at CSP in FY 97/98 was 31.94.
- ▷ Current median age is 30.

Offender Ages



Offender Ages



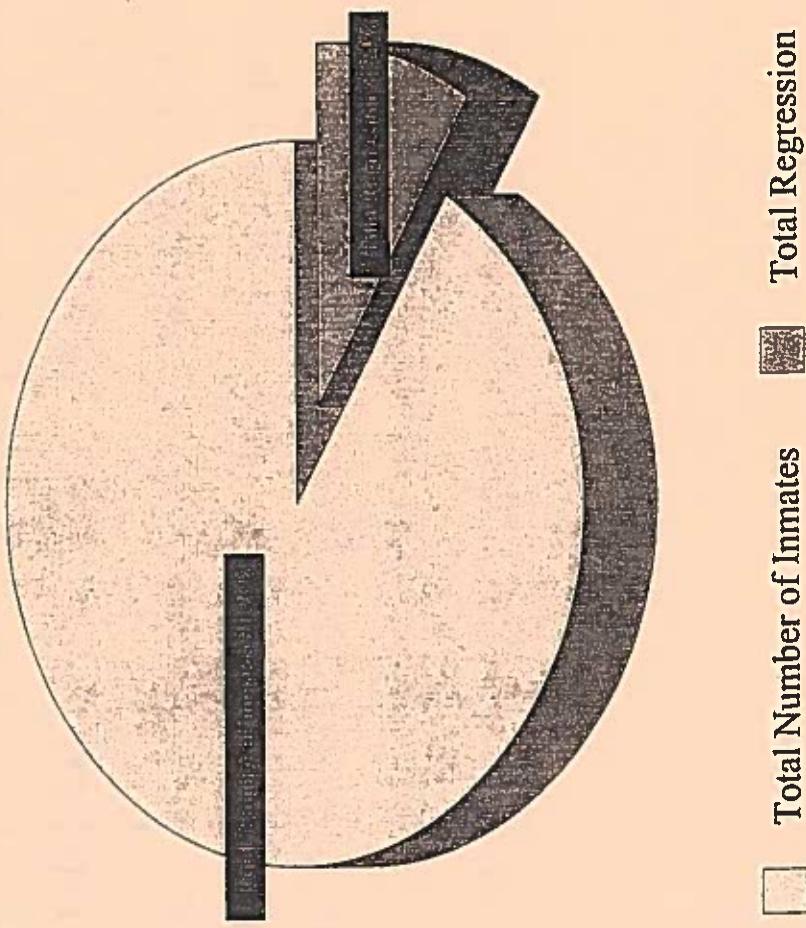
Conclusion

- ▷ The average age of inmates being housed at CSP has steadily lowered since the opening of CSP.
- ▷ It is projected that the average age will continue to lower due to increased gang activity in Colorado and the fact that young, impressionable inmates are more likely to "act out" both at CSP and other facilities.

CSP Recidivism

- Recidivism for those inmates who have progressed out of CSP and have regressed back to CSP within 24 months or less is 8.74%
- 91.26% of all inmates who have progressed out of CSP have remained at less secure facilities for 24 months or more. The national average, of those Administrative Segregation facilities who maintain statistics, is 32.1%

Recidivism Rate



According to the National Institute of Corrections and the Criminal Justice Institute, the majority of Maximum/Administrative Segregation Facilities throughout the country use 24 months as the cut-off for RECIDIVISM. The consensus is that if an inmate progresses out of a facility, stays out for 24 months or more, then he should not be considered as part of RECIDIVISM statistics if he gets into trouble and is regressed. Considering the incorrigible nature of this type of inmate, if the inmate can stay out of trouble for two years, he is considered a success statistic as far as behavior modification is concerned.

Conclusion

The national average of RECIDIVISM for Maximum/Administrative Segregation Facilities nationwide is 32.1%. CSP RECIDIVISM rate is 8.74%. CSP's Behavior Modification Program is obviously much more successful than most other states.

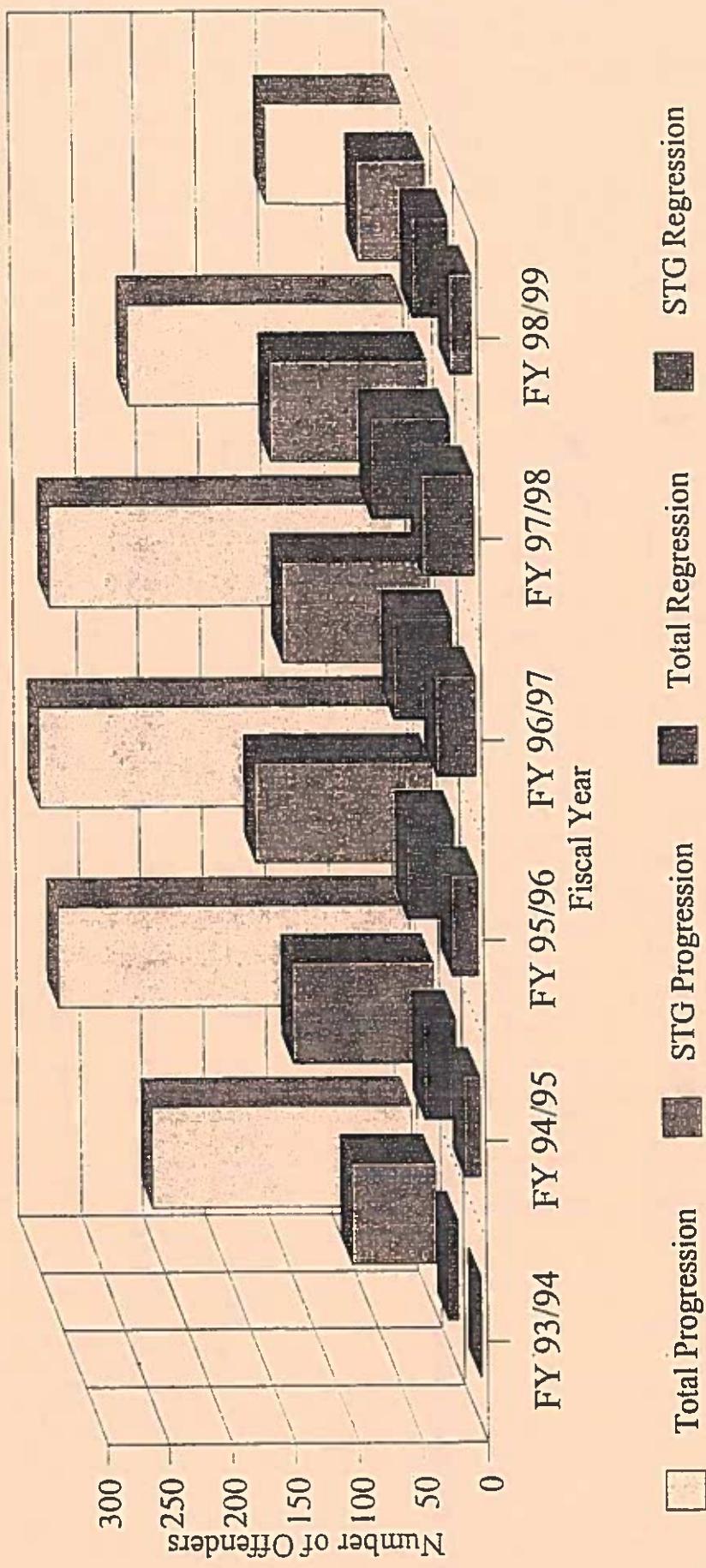
It is felt that this is one reason why 27 other states and 13 foreign countries have visited CSP to "find out what we are doing" to achieve these successes.

PROGRESSION & REGRESSION

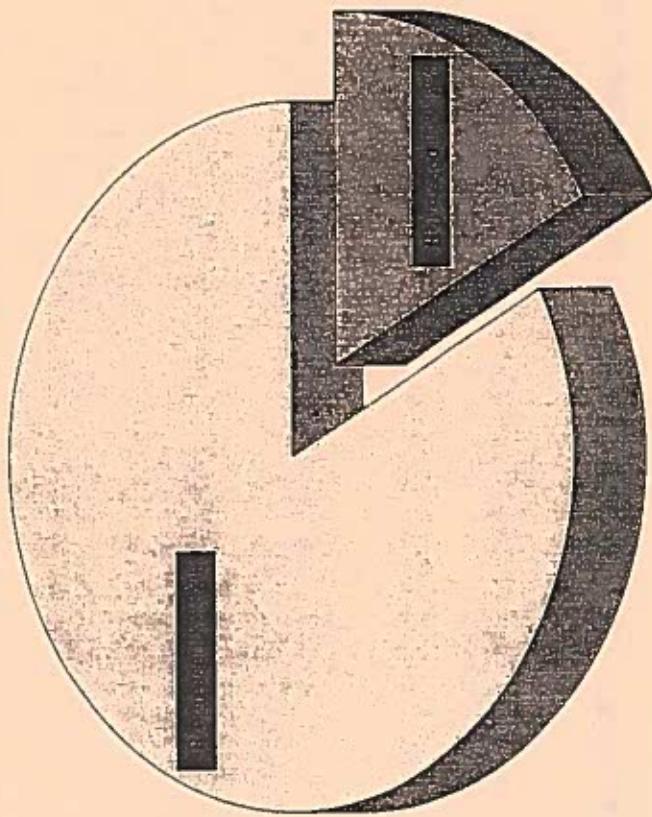
Findings

- ▷ 82.88% of all inmates assigned to CSP who have been identified as being part of a Security Threat Group (STG) have progressed out of CSP.
- ▷ 17.12% of identified STG inmates have regressed back to CSP within 24 months.

Offender Progression and Regression



Percent of STG Inmates Regressed



■ STG Progressed ■ STG Regressed

Conclusion

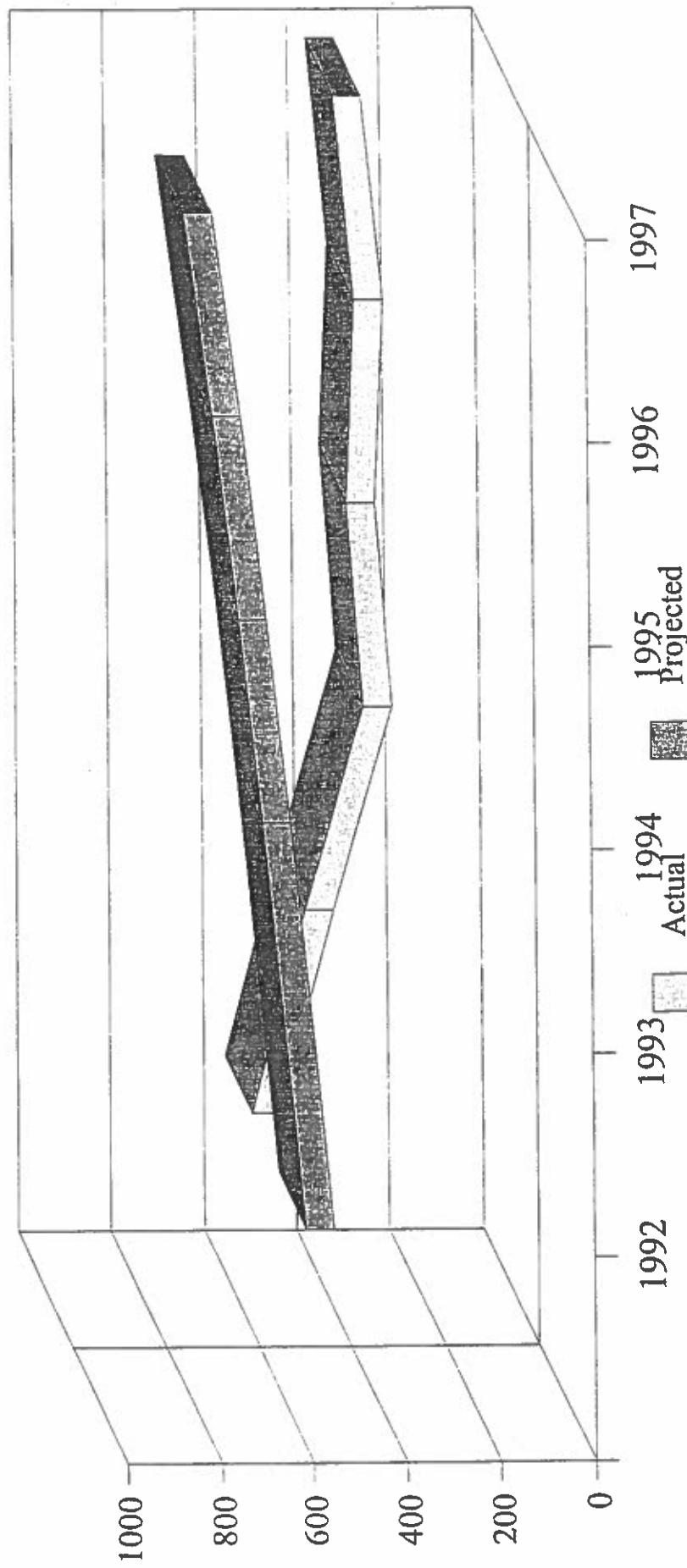
A 17.3% regression rate for STG inmates compared to 8.74% regression rate for all inmates housed at CSP suggests (though not a revelation) that the younger, STG affiliated inmates are more apt to display unacceptable behavior and are less receptive to behavior modification.

VIOLENT INCIDENTS

- Using 1992 as a base, there were 554 violent incidents department wide. There was a sharp decline in incidents in 1993 and 1994. The number of violent incidents, department wide, has leveled off to the point where in 1997, the total number was 358.
- The inmate population within the CDOC has increased a total of 31% since 1992. This translates to a 7.7% increase per year. Based on this increase, the projected number of violent incidents, department wide, should have steadily increased from 554 in 1992 to 842 in 1997.

Colorado Department of Corrections

Violent Incidents - Department Wide



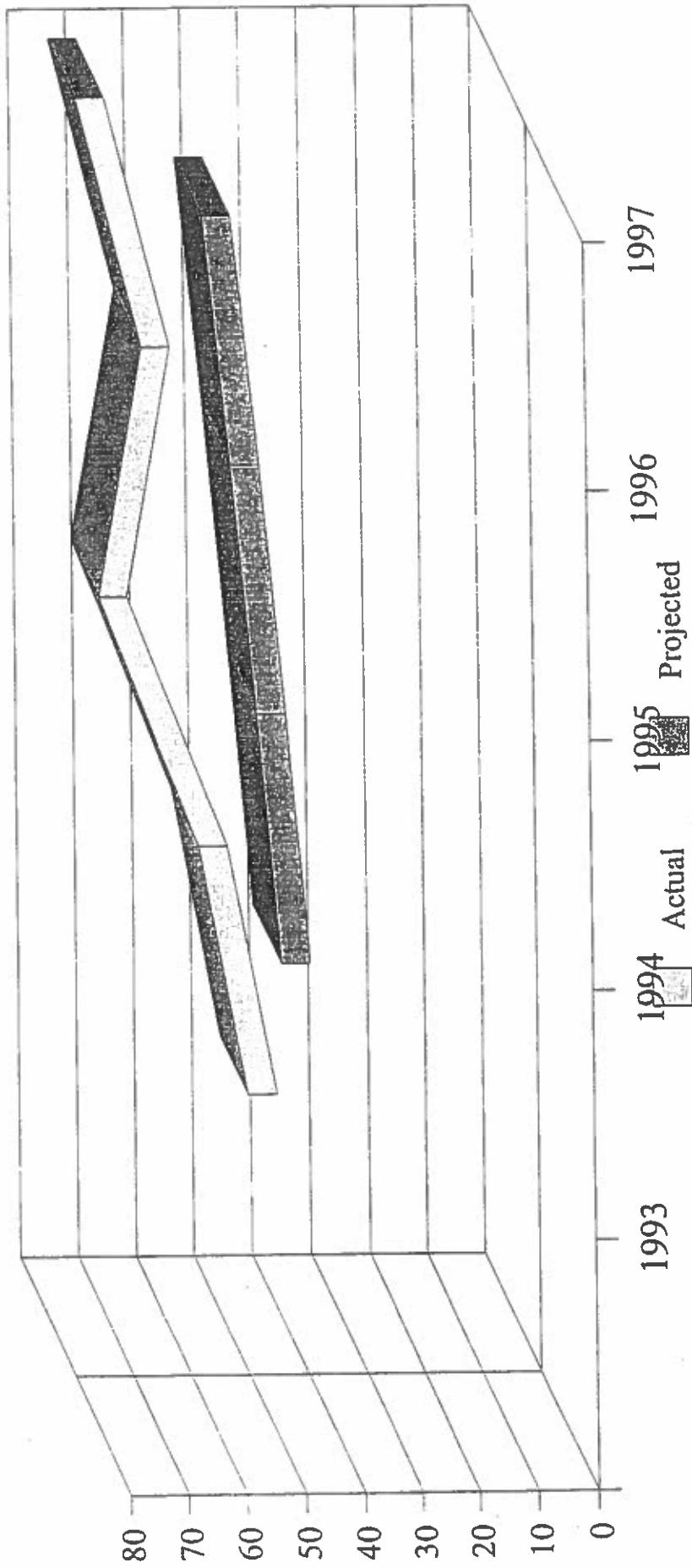
Violent Incidents

Colorado State Penitentiary

- ▷ CSP specific violent incidents increased from 45 in 1993 (August 1993) to 73 in 1997.
- ▷ This increase is 18% more than the projected number (6) based on the 7.7% per year increase in inmate population.

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Violent Incidents



Conclusion

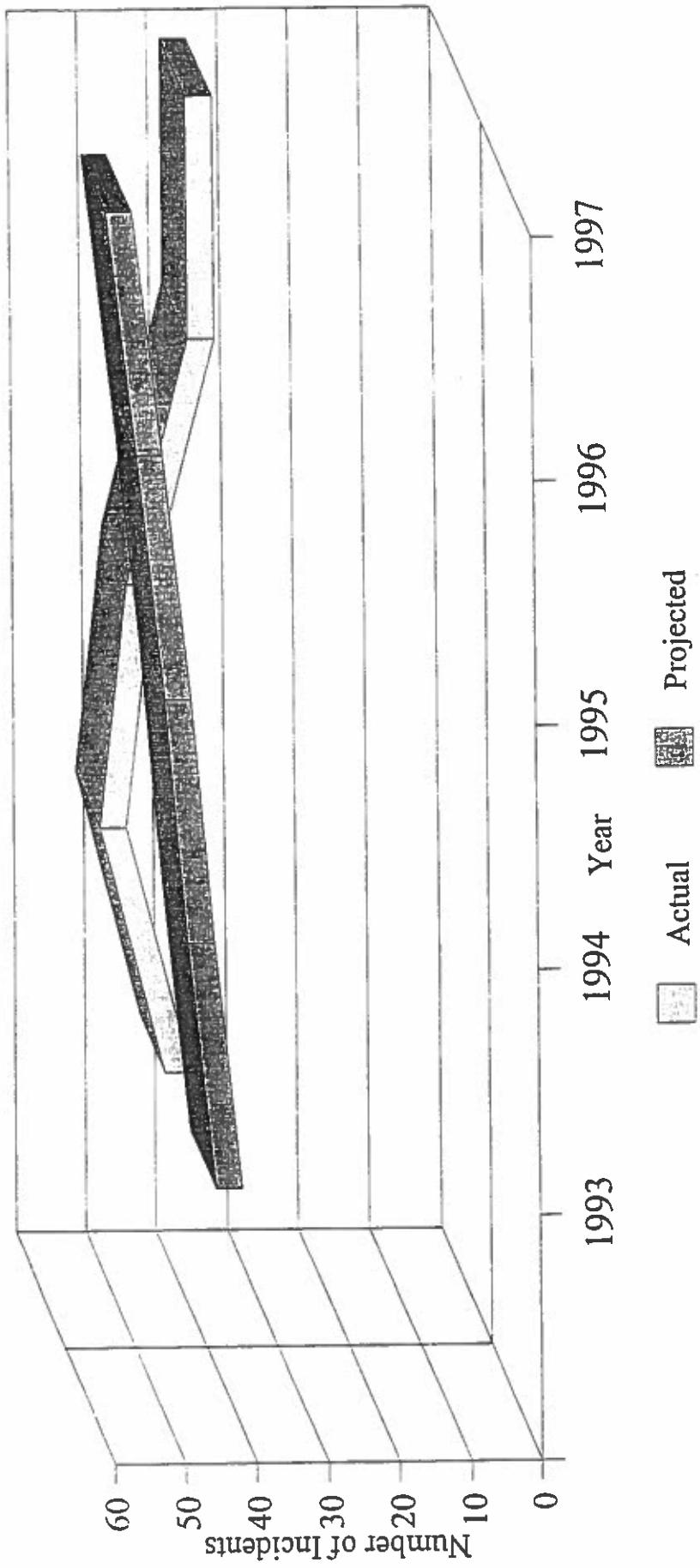
- It is felt that the construction and opening of CSP had the positive effect of helping reduce the number of violent incidents department wide. Even considering the 7.7% increase per year in inmate population, the number of violent incidents in 1997 was well below the 1992 number.
- It is logical to assume that considering the violent, aggressive type of inmates being assigned to CSP, the number of CSP-specific violent acts would increase proportionally.

STAFF ASSAULTS

- Assualts on staff, department wide, in 1993 totaled 42. There was an increase from 1993 to 1994 (51). The number of staff assaults, department wide has declined each year since then to the point where we saw 38 staff assaults in 1996 and 1997.
- Considering the 7.7% increase per year in inmate population, staff assaults, department wide, should have increased from 42 in 1993 to 57 in 1997.

Colorado Department of Corrections

Staff Assaults - Department Wide



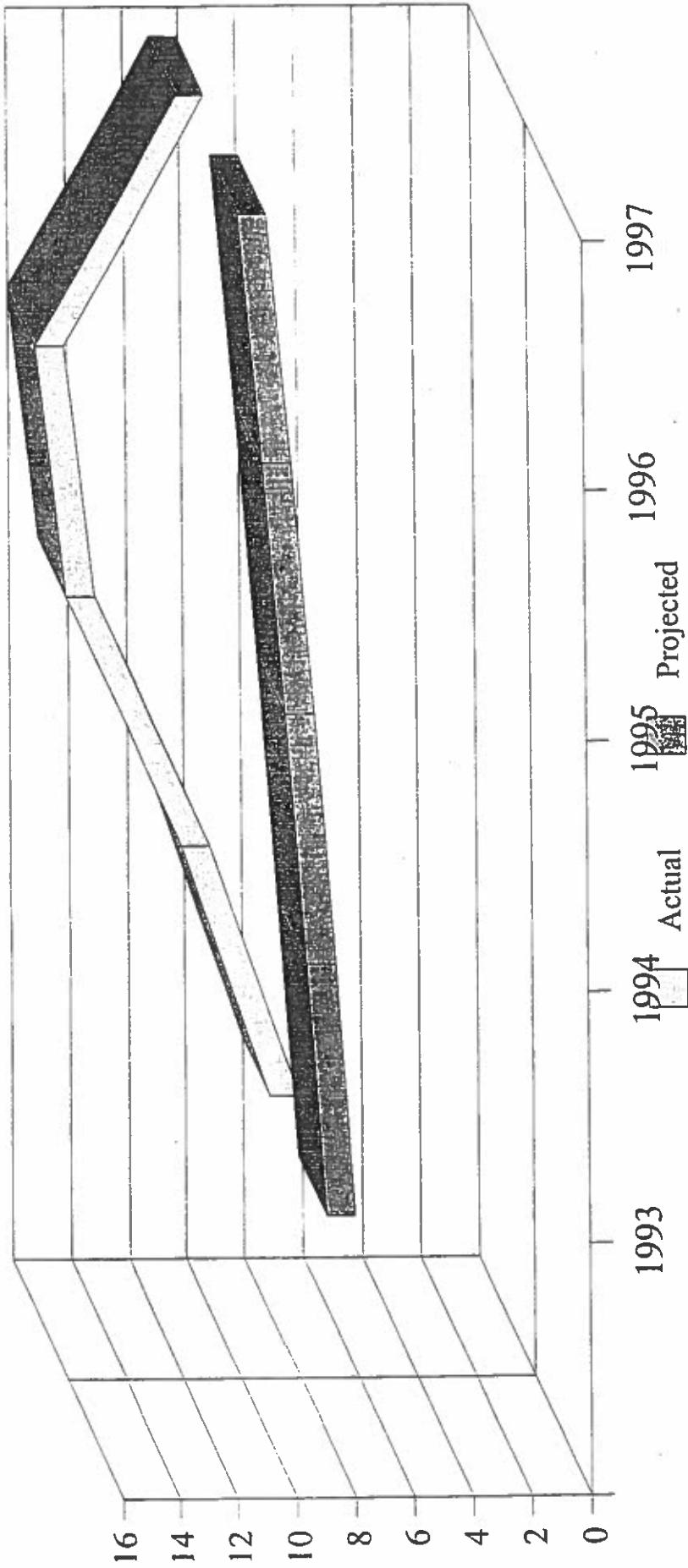
Staff Assaults

Colorado State Penitentiary

- ▷ Staff assaults at CSP, specifically, increased steadily from 8 in 1993 to 16 in 1996.
- ▷ However the number of staff assaults at CSP dropped to 11 in 1997.
- ▷ This is the exact number projected based on the 7.7% increase in inmate population

Colorado State Penitentiary

Staff Assaults



Conclusion

It can be concluded, as in the violent incident section, that the opening of CSP helped reduce the number of staff assaults department wide - for two reasons: 1) The deterrent that CSP creates, simply by its existence, and 2) The assaultive individuals have been pulled out of general population environments and placed at CSP.

The number of staff assaults at CSP steadily increased from 1993 to 1996. This is understandable considering the violent, aggressive nature of most of the inmates being housed at CSP.

Special Note:

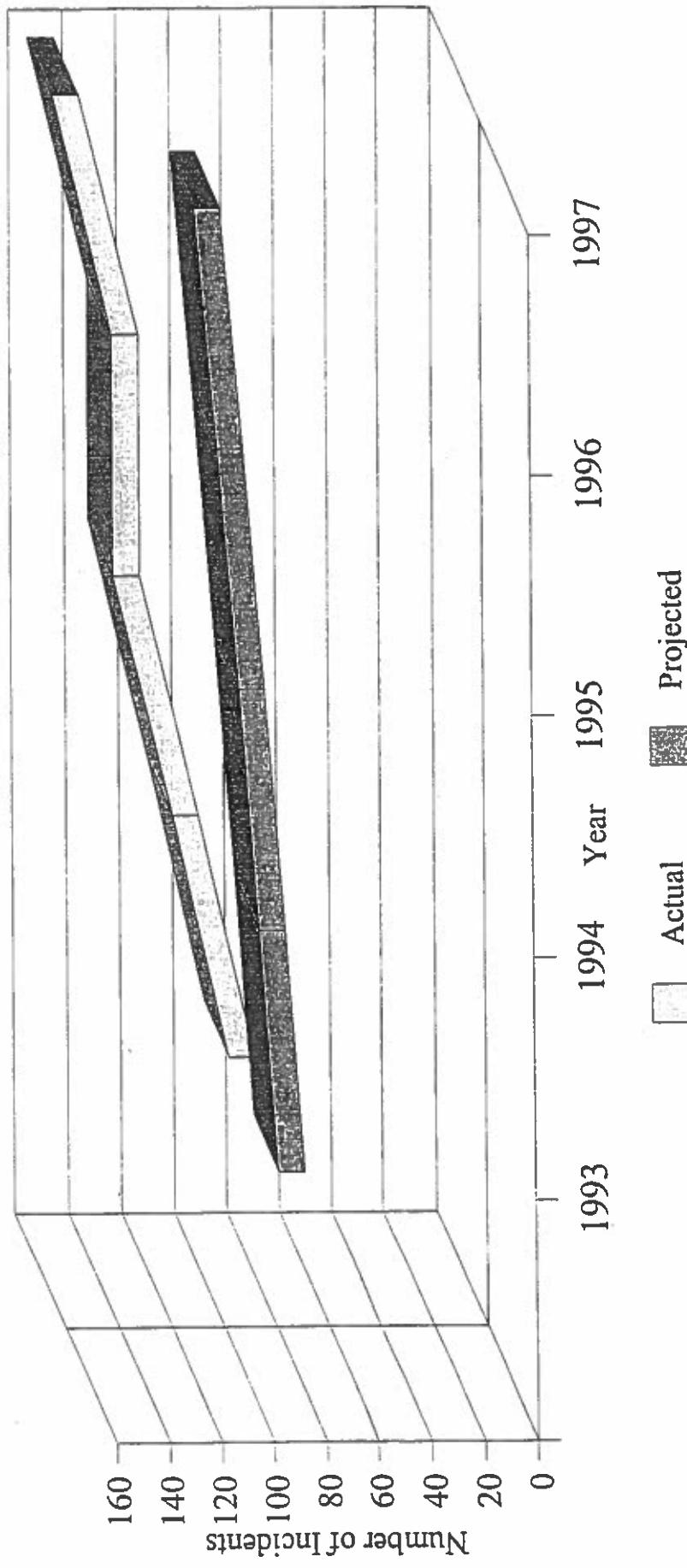
The decline in staff assaults at CSP during FY 96/97 is probably a result of the Body Fluid Assault Law going into effect. Historically, the majority of assaults on staff at CSP involved bodily fluids (feces, urine, spittle).

USE OF FORCE

- ▷ Use of Force incidents, department wide, have steadily increased from 1993 through 1997.
- ▷ The increase is actually higher than the projected increase based on the 7.7% average annual increase in inmate population.

Colorado Department of Corrections

Use of Force Incidents - Department Wide



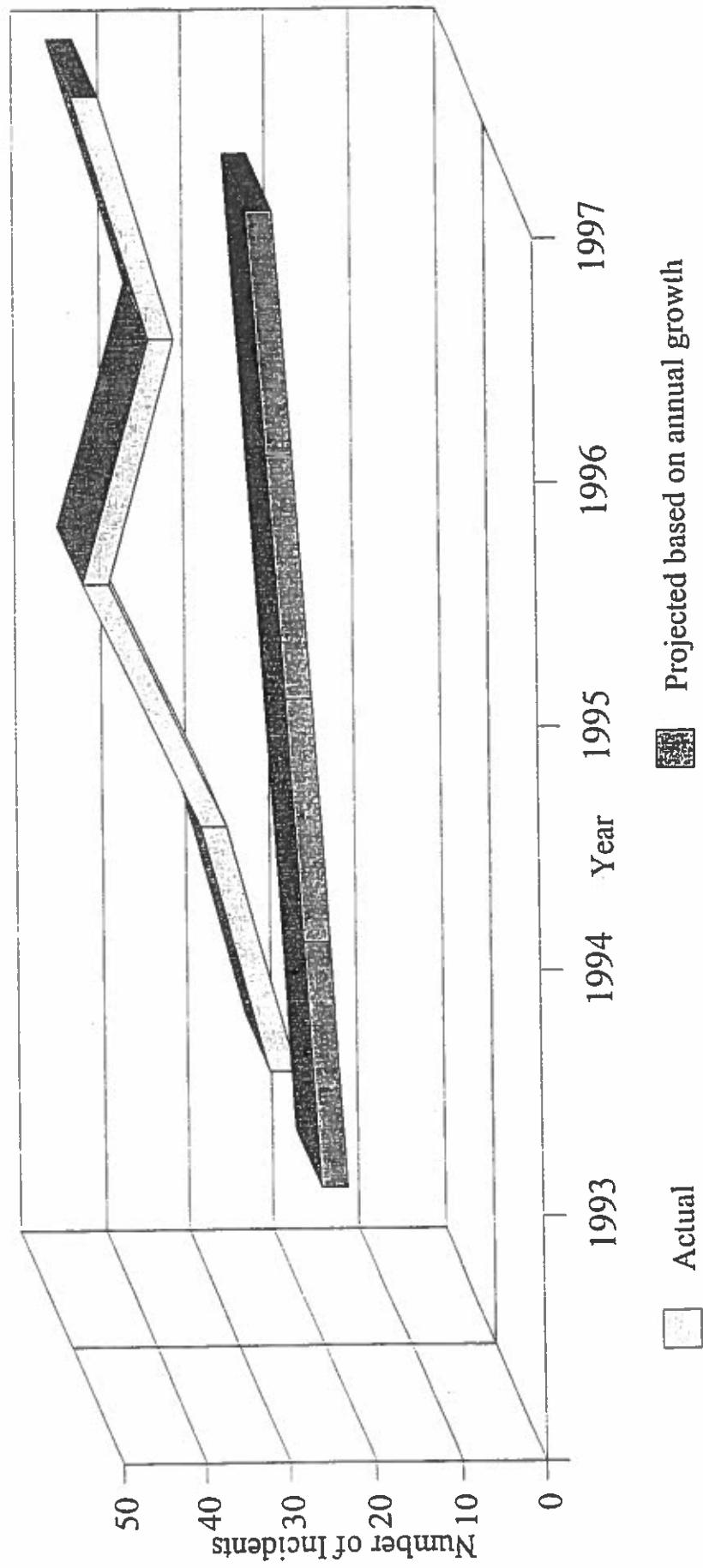
Use of Force

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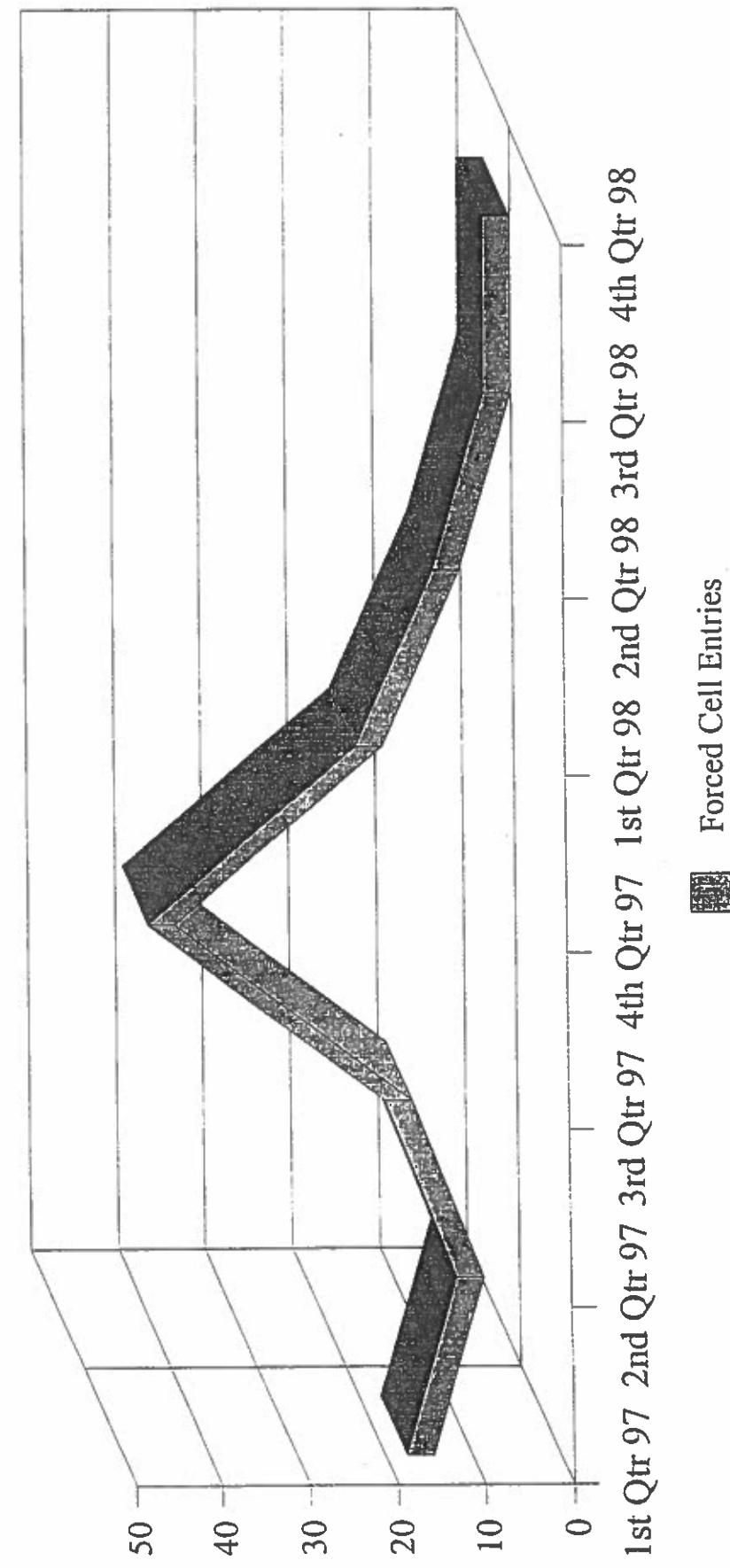
- CSP specific uses of force have increased each year except for a decrease in 1996. The increase in 1997 brought the number up to, but no more than, the 1995 level.

Colorado State Penitentiary

Use of Force Incidents



Colorado State Penitentiary



- Uses of force (mainly Forced Cell Entries) at CSP increased to a high of 45 during the 4th quarter FY 97/98. Part of this increase is due to the increase in inmate population (256) during the previous three (3) quarters of FY 97/98
- CSP began utilizing the Ispra-Jet to dispense OC gas as part of the cell extraction process in September 1998. There has been a dramatic decline in forced cell entries since that time. The projected number (six) for the number of cell extractions for 3rd quarter FY 98/99 is based on the fact that there were only two (2) forced cell entries in January 1999.

Conclusion

The increase in uses of force for CSP and the department, in general, has increased at a rate somewhat higher than the projected rate based on the 7.7% average annual increase in inmate population.

The increase in uses of force at CSP, however, increased at a lesser rate than the rest of the department. There are numerous reasons for this lesser rate of increase - Physical plant, CSP philosophy, staff expectations and the Behavior Modification Programs utilized at CSP.

Staff go to great length to avoid uses of force. Cell extractions in particular, are not the result of a spur of the moment decision.

REASONS FOR ADMINISTRATIVE SEGREGATION

42.2% of all inmates who have been housed at CSP were initially given an Administrative Segregation classification as a result of Assault -the largest single group.

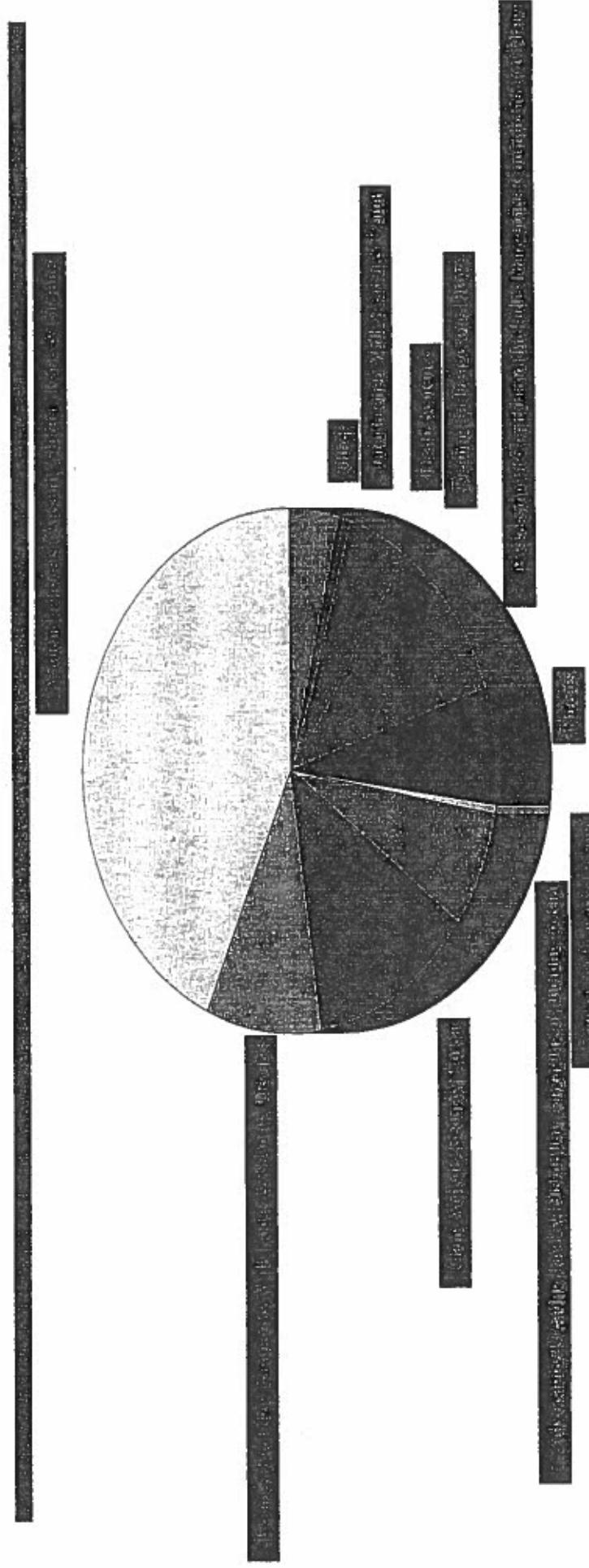
The next largest group, 12.70%, were placed in Administrative Segregation as a result of gang activity.

The next three groups in order are: Advocating or Creating Facility Disruption, 7.7%; Escape, 6.32%; Possession of Dangerous Contraband, 6.26%. For a total of 69.34%.

Of those inmates who have been retained at CSP for over 24 months, 58.29 were initially placed in Administrative Segregation for Assault, Manslaughter, or Conspiracy to Commit Murder.

Administrative Segregation Reasons for Current Offenders

Segregation Reasons for Current Offenders



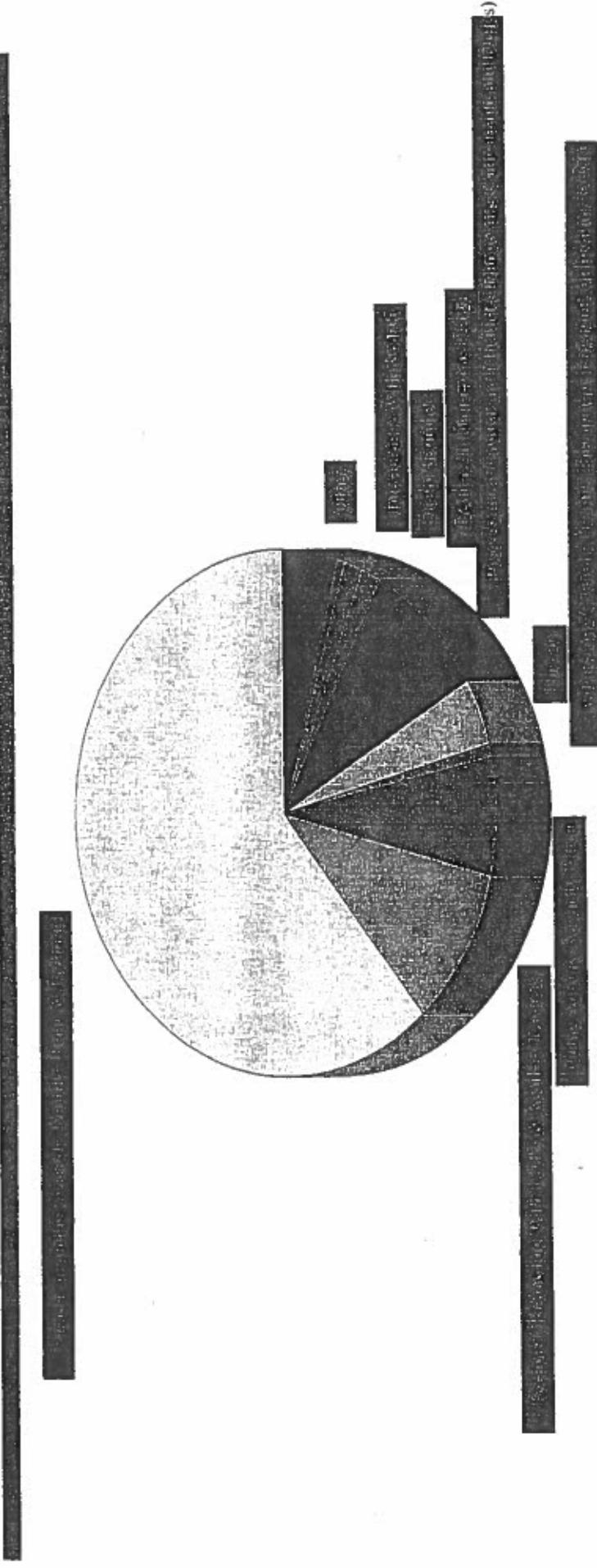
Conclusion

- The single most prevalent profile of inmates who have been assigned to CSP is that of an assaultive, violent, and aggressive individual. These characteristics are not going to disappear overnight. Behavior modification through anger management and accountability takes time.
- It is interesting to note that of those inmates who have remained at CSP for more than 24 months, the single largest reason for the initial Administrative Segregation is assault.

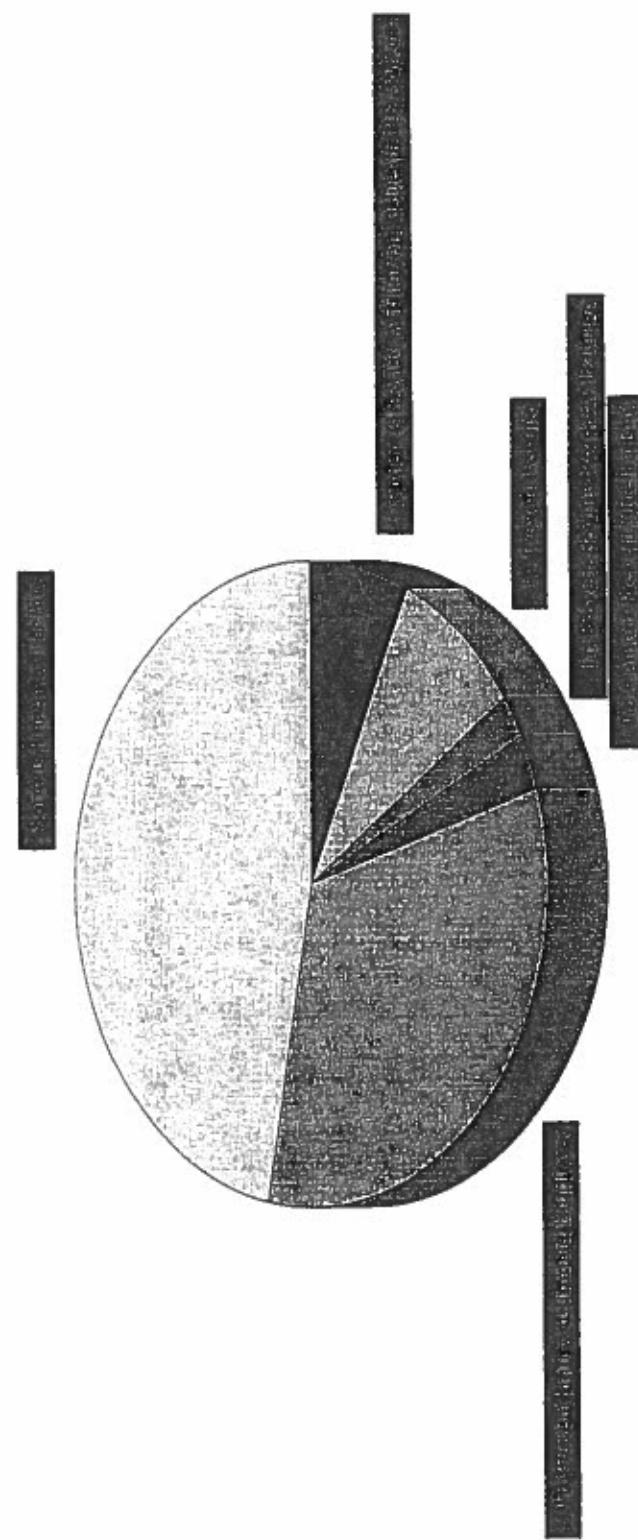
Reasons for Continued Ad. Seg. Past 24 Months

- 205 offenders have been retained at CSP for longer than 24 months.
- Based on the actual Administrative Segregation Reviews (conducted every 30 days), the largest group (47.15%) (97 inmates) are identified as still posing a serious threat to the security of the facility.
- The next largest group (32.75%) (67 inmates) are being kept in Administrative Segregation in order to prevent injury to staff or other inmates.

Initial Ad. Seg. Reason for Offenders at CSP Longer than 24 Months



Why 205 Offenders Have Been at CSP Longer Than 24 Months



Conclusion

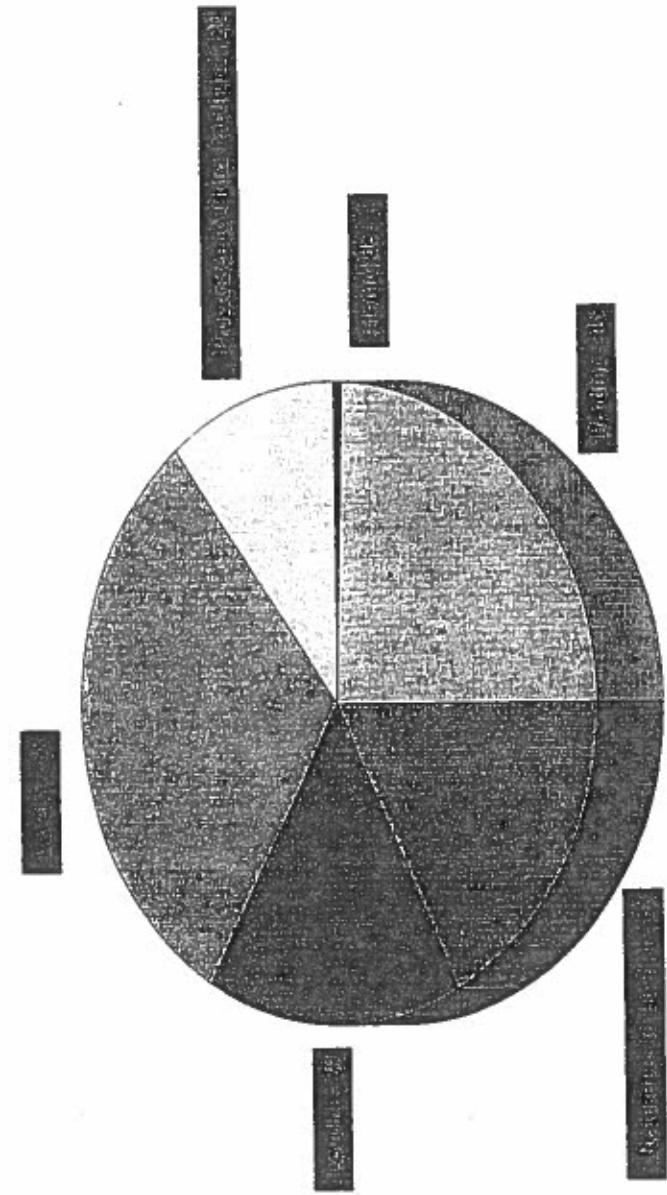
- ▷ In order to progress out of CSP inmates must complete five Quality of Life Incentive Levels.
- ▷ The program is behavior driven and reviews are conducted every 30 days.
- ▷ If the inmate's behavior is inconsistent with placement in a general population setting, then he is retained at CSP.

PRO UNIT STATUS

The PRO (Progressive Reintegration Opportunity) Unit is made up of inmates who have earned their way through the Quality of Life Level System and have completed the necessary programs up to that point. The PRO Unit program began on 7/7/98 and the program itself takes seven months to complete.

PRO Unit Statistics

FY 98/99



THE END

Colorado State Penitentiary

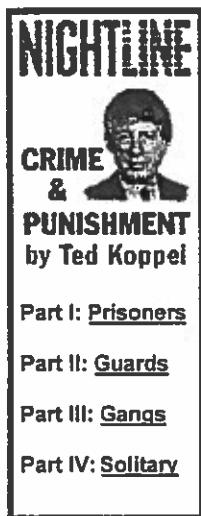


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Ted Koppel Gets Locked Up in Solitary

Is This Where We Want To Go?



The new super-maximum-security prisons are clean, high-tech, and very, very tough. *Nightline's* Ted Koppel watches as guards lock him up in solitary confinement. (ABCNEWS)

By *Ted Koppel*
ABCNEWS.com

PRISON POPULATION IN THE U.S.
an interactive atlas

PROFIT & PUNISHMENT



CLICK HERE FOR FULL STORY

HUNTSVILLE, Texas, March 30 — It is, they say, the prison of the future. Built to crack down on those too violent or too afraid to be left in the general prison population. Total isolation. No direct human contact. No windows to the outside, nothing but fluorescent lights.

We've spent an extraordinary amount of time and effort focusing on this unit at Estelle Prison. I spent the night in solitary confinement here last week, in order to get a better sense of what life is for its prisoners.

The methods employed here—the notions of the "super-max" prison—are being used at more and more penitentiaries around the United States.

They are not cheap. Here at Estelle, for example, keeping a man in general population costs about \$30 a day. Administrative segregation and all that goes with it costs \$50. If you begin with the assumption that everyone in here is so violent that he can't be controlled within the general prison population, that may be money well spent.

But the system does have some serious flaws.

A School for Psychosis

For one thing, the isolation in here drives some inmates mad.

We may have

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We may have learned how to build the prison of the future. But it will take a few more years before we can accurately gauge the full measure of what we've achieved.

mad.

These facilities are intended for behavior modification; sensory deprivation is part of the plan. Once they're here—whether they were convicted for writing bad checks or committing murder—they have to deal with solitary. A lot of them can't.

"They start seeing the walls moving in and out; lights getting brighter and duller," says Harvard psychiatrist Stuart Grassian, who has studied the effects of solitary on prisoners around the country. "They become increasingly anxious, paranoid, overtly confused, delirious, psychotic. Over time, people lose their capacity to know what's going on inside their heads and outside."

Inmate Speedy Garza puts it more succinctly: "If you're not careful, you can go crazy." He says he knows three men who came into the ad-seg unit more or less sane, but "they're not the same anymore."

"They talk to themselves. They play with their own waste," says inmate Richard Morgan. "I really can't say what they'd do when they get out. They can't conduct their self in here, so I doubt they can conduct their self when they get in the streets."

Prisoners Do Go Home Again

Most of the men in solitary—95 percent—will be released some day and return to the communities from which they came. That suggests a second potential defect in the super-max prison strategy.

"This is the most expensive way to house a prisoner," says Grassian. "So, you're going to—ultimately—you get prisoners out sooner and you're going to get them back to our community in the most violent, crazed and disordered state that you can possibly have them in. This is not a benefit to us as a community. This is a great danger to us."

But Estelle Prison psychologist Dan Buzbee disagrees: "Sometimes [ad-seg] has absolutely no effect. It's absolutely nothing to them. And then other people will have some effect for deprivation or stimulus. I find that's a very few... a small percentage."

While the percentage is in dispute, but there is a general agreement that this place drives men mad.

Neither Estelle Warden Fred Figeroa nor Wayne Scott, director of the Texas Department of Criminal Justice, debated that fact. Scott did argue that the number of men affected was small and that the state closely monitors such problem cases to protect the public.

ABCNEWS' Ted Koppel spends an entire night in a solitary prison cell.

[RealVideo](#)
[\(download\)](#)
[RealPlayer](#)

In solitary, your cell is a little more than .7 feet wide and about 11 feet long. You will spend 23 hours per day there if you're good; 24 if you cause problems.

Who Needs Rehabilitation?

The men housed in administrative segregation here in Texas account for only 6 percent of the overall prison population. That's still about 8,000 men. With the accumulation of mandatory sentencing, reduction in parole, longer sentences served, the pressures and tensions that produce this sort of man who end up here will only grow. Units such as these are a growth industry these days.

"I can understand where the isolation could affect an individual's mind, but again, they chose to be there. We did not put them there, they chose to be there."

— Warden Fred Figuroa

Those among you who are victims of crime, or whose family members have been victimized shouldn't be expected to have a lot of sympathy for the men in here. Nor was eliciting such sympathy the point of this series. The inmates in this unit are obliged to learn that everything they do has consequences.

But society is subjected to the same cycle. Most of these men will emerge from here one day to retake their places among the rest of us and to the degree that they are harder, angrier and more psychotic than when they were admitted, we too will have to pay the consequences. ■

My Night in Solitary



I brought a video camera into my cell and kept a diary of the experience. (ABCNEWS)

governed your life and tests your endurance.

We couldn't expect to reproduce the desperation that must come with knowing that you're going to be locked into a cell like this for the indefinite future, of course. But my hope was that if I spent 12 to 14 hours here, I might gain a useful insight or two.

I was sent to C Wing—the cellblock corrections officers tear-gassed a couple of weeks back. Almost all the inmates here are Level 3, which means they have very few privileges to begin with. Since the

Solitude is a precious thing, but only when it's a matter of choice. In this place, you're left with very few choices: Solitude is the constant reality that governs your life and tests your endurance.

and jelly sandwich—three times a day. That must get old fast.

The theory of behavior modification in this place is as simple as it gets: Bad behavior is always punished. Food is an instrument or reward for punishment. As I sat in my cell, I understood that if I were a real prisoner, the guards, if they wanted to punish me, might just forget about breakfast, or lunch, or maybe all three meals in a day.

I had thought the nights would be the hardest time, but now I know that no matter how noisy it is, you can sleep. As long as you're sleeping, the hours pass pretty quickly. During the day, however, as you sit in your cell, wondering how you're going to fill the hours—that's got to be the most difficult time here.

As I looked out the narrow window on my cell door, a guy on the other side of the cell block signaled that he wanted to send me a letter. He manages to flick a comb with a length of fishing line

privileges to begin with. Since the incident that provoked the gassing, they have none.

I suppose the first thing that struck me during my stay was the noise. The steel and concrete makes the cells cacophonous to begin with. And the noise—even without the banging and the yelling—rarely lets up.

Shortly after they locked me in, one of the inmates a few cells down started banging on his door; just banging, banging. Some of the yelling, no doubt, is prisoners communicating cell to cell. But a lot of it is just yelling; just people giving vent to their frustration, their anger, their madness—whatever it happens to be at the moment.

Normally (if that's ever an appropriate word in this place) meals must be an important break in the monotony. But since the lockdown went into effect, C Wing inmates get just a "Johnny"—a peanut butter

comb with a length of fishing line tied to it under the door of his cell, across the corridor between our cells and under the door of my cell. I pulled the letter in and read.

It was mostly about food—he says he's not getting enough, that he weighed 138 pounds at the beginning of January and is now down to 122. "Nobody promised us a rose garden," he wrote. "On the same token, someone did promise us the rights of being human."

He gets the letter to me just as my brief stay in ad-seg is over. He is happy, believing that I will get the news out to you. But if he thinks that most Americans will care, he has probably misread the public mood.

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Organizational Culture

What is it???????

Organizational Culture

- The set of shared(taken for granted) assumptions that holds a group or organization holds that determines how it achieves, thinks and reacts.

Organizational Culture

Culture is Reflected At Two Levels

- Visible--manner of dress, uniforms, physical appearance, type of equipment, rank expected behavior etc.
- Attitude or Values passed on from older staff to the newer

Organizational Values

- Values reflects the beliefs shared among organizational members,
- Values and beliefs constitute the foundation of an organization's culture.

Organizational Values

- Values are concepts or beliefs that pertains to or directs desired behaviors.
- Transcends situations
- Guides behavior and;
- Are viewed as important by the organization.

Espoused Values

- Represent the explicitly stated values and norms that are preferred by an organization.
- Statement from the leader.
- Mission Statement
- Policies
- Training

Enacted Values

- Represent the values and norms that actually are exhibited or converted to behavior.

Value System

- Reflects the patterns of conflict and compatibility among values.
- Cell Extractions
- Type of inmate.
- Type of criminal history
- Ethnicity.
- Rank

Value System

- ACLU, Human Rights Watch
- Advocacy Groups
- Legislature
- Employee Unions
- Executive Staff

Value System

- One part of the system relates to the manner in which tasks are accomplished.
- The other part of the system includes values related to maintaining internal cohesiveness and solidarity.

The value of a healthy culture

- Gives members of the organization an identity.
- Facilitates collective commitment.
- Promotes stability.
- Shapes expected behavior.

Default Culture

- The culture that “naturally” evolves and prevails if there are not substantial efforts to shape and mold a healthy culture that embraces professionally stated or accepted values.

Symptoms of a Default Culture

- Adversarial relationships predominate
- Staff in-fighting
- Open conflict with labor organizations
- Careless/criminal staff misconduct
- Hostile work environment
- Sexual misconduct
- Racial and sexual discrimination

Symptoms Continued

- High turnover
- Abnormal levels of; sick leave, stress leave, unapproved absences, insubordination etc.

Identifying Characteristics of the Default Culture

- Inability of staff and inmates to see each other as human beings.

Identifying Characteristics of the Default Culture

- Inability of staff and inmates to identify with each other as human beings.
- No or unclear policies
- Limited Inmate Management Tools
- No clear or stated philosophy
- No mission statement
- Staff will take matters into their own hands!!!

Jack Henry Abbott

- “Among themselves the guards are human, among themselves the prisoners are human. Yet between these two the relationship is not human. Only in reflection, subjective reflection, do they acknowledge sharing a consciousness. What is that common consciousness?? It is that we belong to a common species of life.”

Default Culture Continued

- Institutional dehumanization of inmates or staff through conduct and/or destructive management strategies.

Default Culture Continued

- Labeling
- Name calling
- Lack of sensitivity of culture or customs
- Covering up misconduct
- Seen as less than human
- Leadership participates or turn their heads.

The Battle for Control

Who's Winning

- Gangs are winning the culture war.....by default.
- Renegade staff shapes the cultureby default.
- External stakeholders determine who we are and determines our purpose.....by default.

Creating or Sustaining a Healthy Culture

- Leadership must continually assess their environment.
- Develop a meaningful mission statement that truly reflects the purpose of the organization.(mission statements should be reviewed frequently for authenticity).
- Ensure operating values and expected behaviors are not in conflict.
- Train staff to the mission statement.

Healthy Culture

- Require each department within the organization to develop their mission statement.
- Continually compare staff performance and attitude to the mission and values of the organization.
 - Develop a sense of pride and/or accomplishment that is expressed.

Shaping the Prison Culture

- Begins, continues and ends with the Leader(s) role modeling the desired behavior and positive attitude. MBWA (modeling by walking around).
- By establishing staff selection criteria
- Facility extended orientation
- Providing appropriate management tools
- Defined mission, goals and objectives.

Shaping

Inmate Culture

- Inmate Culture: Fair and consistent treatment by staff.
- Ultimate responsibility for their behavior which will directly effect their condition of confinement, quality of life.
- Acknowledgement of positive and appropriate behavior

- CONTEMPORARY ISSUES IN PRISON MANAGEMENT

In-Service Training: *Missed Opportunities or Instrument of Change*

by: Gary C. Mohr

You have assembled a group of correctional officers for training. Some have just come on duty and will be relieved at their post, some have just completed the night shift, some day-shifters are here on overtime as are several others who are here on their off day. The training is to be delivered by the Shift Captain.

Please place a mental check mark beside the assessment(s) that are most likely to be accurate based on your experience:

This training will:

- result in change or improvement.
- be enjoyed and appreciated.
- may be helpful to some.
- will be viewed as "boring" and a waste of time.
- constitutes a missed opportunity.

As a Warden and a trainer of Wardens, it has been my experience that training, and particularly in-service training, is a common theme of disappointment among Wardens. Most often a succession of Central Office-dictated topic areas; delivered by institution personnel who are practitioners – not trainers; without opportunity to maximize learning potential through proper scheduling; the training is viewed as intrusive, boring, and ineffective.

When Wardens then consider the fact that within a prison of 500 employees, a half-million dollars will be spent in salaries and

benefits for in-service training – without counting the first dollar for overtime costs – the frustration grows. Then, as Wardens listen to their employees complain about having to attend in-service training in which they see no value, there is universal recognition that change is needed. But what change – and how? Is it possible and worth the effort?

Why Train?

While the answer to this question may seem apparent, some Wardens conclude that the benefits of in-service training, as they know it, are insignificant when weighed against the cost and aggravation. Hence, they provide only that which is mandated and then, in an obligatory, uninspired, manner.

But the reason we train, unfortunately, has been largely driven by Central Office mandates rather than Warden-identified needs. By the time the mandated training has been delivered, there are no remaining resources – or staff tolerance – for the operations related training the Warden views as necessary.

Oh, the mandated training format is welcomed by some. It provides a "canned" curriculum which, when delivered, pays lip-service to the responsibility to "train". It requires no assessment of training needs. It requires little preparation. But, does it really TRAIN? Does it really promote career and personal growth? Does it really improve operations?

Too often these centrally developed training topics are designed to avoid litigation or are in response to an incident that may have occurred somewhere in the system. And, in this limited sense, they may make sense. But, seldom are institutions give the latitude or do they try to assess and customize the training in the light of the

Because mandated, in-service training does not "connect" and resonate with their experience and needs – rather is "rote" – it is often perceived by staff as "rot"!

institution's own mission, weaknesses, issues, or problems. Because mandated in-service training does not "connect" and resonate with their experience and needs – rather is "rote" – it is often perceived by staff as "rot"!

For in-service training to be effective it must be related to the needs and the primary operations of the institution. As Lanson Newsome, former Warden and Assistant Commissioner of the Georgia DOC, points out, the reason for in-service training is to improve staff performance in the critical operational areas of the prison – inmate and staff accountability, tool and key control, access and egress, sanitation, health and safety, etc..

It is a "given" that Central Office has an interest in communicating important – yea, critical – information to institution staff. But, that should not be "passed off" as in-service training. Clear differentiation should be drawn between "informational" and "performance" training. *Informational*

training should be handled as such – a passing of information in the most effective way – and will often not be the training classroom.

Performance training should be handled, as well, in the most effective manner. It should always be customized to reflect the real-world experience of the staff in the institution to which they are assigned and delivered by those having competence and credibility with those being trained.

Underlying Assumptions

Having discussed some of the problems of the traditional approach to in-service training, it is important to consider the assumptions¹ upon which an in-service training program should be built.

- ▶ As they mature, adults tend to prefer self-direction.
- ▶ Adults' experiences are a rich resource for learning. Adults learn more effectively through experiential techniques, such as discussion or problem-solving than through passive listening.
- ▶ Adults are aware of specific learning needs generated by real-life events such as job frustration and difficulty, marriage, divorce, taking a new job, losing a job, etc. and will learn if they recognize applicability to their life situation.
- ▶ Adults are competency-based learners, meaning that they want to learn a skill or acquire knowledge that they can apply pragmatically to their immediate circumstances.

¹Adult Learning: What Do We Know for Sure? Zemke, Sue and Ron: New Training Library

Learning is as natural to human beings as breathing, eating, sleeping, playing or procreating. When they do not learn or *resist* attempts to promote learning – as in the case of much in-service training – we must conclude that we are doing something terribly wrong. Careful attention to the assumptions above will provide insights about where and how we are missing the mark. It is with these assumptions in mind that the following approach to in-service training is offered.

The “Back-to-Basics” Approach

In corrections, we are quite good at managing emergencies. Virtually every day, in every prison, staff “manage” situations that threaten the safety of staff and inmates and security of the institution and community.

Unfortunately, such incidents are normally viewed as idiosyncratic events

which do not appear to have any connection, one to the other. The incident is reviewed, discipline may be imposed – staff and/or inmate, policy revised, procedures updated, or other actions taken. Often, if the incident is serious there is an expectation that “heads roll” and the Warden finds him/herself in jeopardy of his/her job. Upon careful examination, a common thread can often be found in incidents occurring over time in several different institutions.

A nationwide review of after-action reports of escapes, staff assaults, hostage situations, disturbances, or other serious

problems reveals few instances in which malfunctioning locks or electronic detection systems, insufficient razor wire, or other deficiencies in physical plant or technology were responsible. Rather, most serious security breaches occurred because one or more staff members took a “shortcut”, did not know what was expected of them, or simply failed to follow established security procedures. Though weaknesses in the physical plant may have contributed to the problem, it was usually the failure of staff to attend to business that was at the heart of the incident.

In other words – “people-system failures”, not “physical-system failures” account for most security breakdowns.

An example of such an incident is the widely known escape of 5 high-risk inmates from a privately operated facility in Ohio. Upon examination it was found that, first, the inmates were

inappropriately classified and should not have been housed in this medium security prison. Second, after a soccer ball struck the fence several times, activating the alarm each time, the alarm was disregarded. Third, an employee with a personal relationship with an inmate was believed to have brought wire cutters into the institution – if not, there was a breakdown in the tool control operation. If any one of these separate and distinct performance failures had not occurred, the incident could not have occurred.

The most common response when serious incidents occur is to “fix the blame”

and identify someone to discipline rather than "fix the problem". More often than not the problem is *both* a performance problem and a failure to train and supervise. Managers are often slow to recognize "slippage" in security practices or the need for policy and procedure upgrades as changes occur. Such changes may include new staff entering the institution workforce; experienced staff becoming complacent; tacit supervisory support of "short cuts" to improve efficiency; supervision weakening as new, inexperienced supervisors are promoted; the facility and its equipment ages; new buildings and equipment are added; use of inmate workers expands; policy, procedures, post orders, and standards change; etc..

This phenomena, the failure of staff to reliably carry out all of the duties and responsibilities of their jobs, all of the time, underscores the importance and value of a back-to-basics emphasis in training.

Back-to-Basics In-Service Training

While there are many ways of getting back-to-basics, the approach discussed here is in the context of an in-service program in which staff of multiple disciplines within the institution are brought together for training.

Activity 1:

As an introduction to the training, the leader (Warden?) should discuss the activities of the training (in very general terms). She/he may then want use portions of the discussion in the page above in the Back-to-Basics Approach section as a background and introduction to the training.

It is important that, early in the discussion of the Back-to-Basics training, the Warden discuss liability with the group.

It is imperative that amnesty is given up-front for any policy or other violation acknowledged by the officer or brought to light by other staff. The objective is honest and complete responses to key questions and other inquiries. Understanding that problems of performance are often *both* a performance problem and a failure to train and supervise, no one will be singled out for discipline or chastisement.

Following the Warden's discussion, group discussion may be promoted through the use questions which may include:

- ▶ What has changed in our institution that may make it important for us to go Back-to-Basics?
- ▶ In what ways have these changes hampered good security?
- ▶ In what ways, if any, have we gotten away from attention to the basic fundamentals in security operations?
- ▶ Who is responsible for security? Is security a "program" or a "culture"? What does "seamless" security mean?

Activity 2:

It is recommended that the group now be divided into small groups of 8 - 10 staff and that each group select a group leader. Each group is charged to address the following question:

If a major incident were to occur here in the prison in the next 6 months, what would the incident be and where would it occur?

The group should be apprized of the following "ground rules":

- 1) Each group member is to respond.
- 2) There is no "right" or "wrong" answer. Members may ask for clarification but there is to be NO disputing or arguing

- a member's contribution.
- 3) All responses are to be listed in full.

When the groups have completed their work, they will report their observations to the large group. The Warden and administrative staff should be present for this report. A full-group discussion of the responses may now take place as the administrative staff attempt to fully understand the nature and scope of the concerns that have been elicited from the group members.

Activity 3:

The Warden and administrative staff should review the concerns elicited from the group members apart from the group. An assessment should be made of each of them, determining if there is information of a nature that would dictate an immediate response to prevent the incident. The second level of assessment should be to select post-related concerns that can be further examined by the in-service training groups as a learning activity. For example, if a group members suggests that within the next 6 months an inmate is going to exit the rear sally port in a garbage vehicle, the posts responsible for this activity could be identified as a post for examination by a training group.

Activity 4:

After identifying post-related concerns, a packet should be prepared for the group examining the post. It should include policy and procedure, post orders, standards and regulations, schedules, and other information pertaining to post activity and the responsibility of the assigned staff.

Activity 5:

As the training group reconvenes,

they are divided into groups and each group should be commissioned to study and examine the operation of the post, including the policy, procedure, post orders, etc. that are included in the packet. These documents should be reviewed for clarity, comprehensiveness, consistency between documents, etc.. The group should then discuss the operation with the responsible staff, eliciting concerns and suggestions from them regarding the operation of the post. They will observe the operation for several hours during which time the concerns about the post brought forth in the earlier group meeting will be a focus.

Upon completion of their examination, the group should meet and prepare a report for the administrative staff. The report should include a review of their activities, a record of their observations regarding the documented responsibilities of the post as compared to the operation of the post, and their recommendations.

Activity 6:

Following a full review of the recommendations, the administrative staff should determine what changes, if any, will be made in the specific posts or operations and that feedback should be given to the group. Insofar as is possible, feedback should be face-to-face and to all staff who reviewed the post under consideration. Staff assigned to the post should, ideally, be included in the meeting and, if not, immediately informed of the outcome of the examination and the administrative staff's decisions.

The group should be informed of the way in which the concern is being addressed. If recommendations are not accepted, the group should be told why or what is being done instead of the recommended action.

The back-to-basics training should be more than an exercise and should demonstrate the belief that security IS everyone's business and that staff observations and recommendations are important and valid.

Much of the value of the back-to-basics in-service training, as in any training, can be lost in the administrative response or lack thereof. Failure to be inclusive, give feedback, give reasons, and give credit can quickly undermine the program. With each effort in which post examiners are not included as full partners, the meaning and value decreases – staff will feel that they are being “used” or the training will become perceived as a meaningless exercise.

Conclusion:

“*Security is everyone’s business*” is a well-worn banner. Yet, we bear labels such as “security staff” and “civilians” or “non-security staff”. And we have the mystique of key control, emergency response, etc., the secrets of which we dare not share with “non-security” staff. And, we have the “Security Department” and “Programs Department” and myriad other terms and titles that belie our “everyone’s business” banner.

An effective security program is a program without “seams”. All institution operations and activities are inter-connected in a seamless system in which all parts “talk” to each other in ways that prevent inmates,

inmate needs and concerns, programs, security, operations, or administrative concerns from “falling through the cracks”.

Think about it. An effective security or treatment program is not a “program” – if it is truly effective it has become the culture of the organization. Until it becomes the culture of the organization it cannot be truly effective.

We would not say of our safety concerns for our children that we have a “security program” to ensure their safety – safety and security is a culture in our homes that pervades every consideration and every activity.

This back-to-basics in-service training has great potential to revolutionize our approach to security operations. It is “one small step” in sharing – acknowledging that staff at every level in all parts of the institution have interest and concerns about safety and security. And, it is a “giant step” toward inclusion – including those who have been “on the outside, looking in” in the responsibility for safety and security and enlisting their help in making critical decisions that effect the life of the institution and its residents.

This paper is based in an operations assessment program that was presented in the Ohio Department of Correction and Rehabilitation by George Camp, Criminal Justice Institute, Inc. South Salem, NY. Gary Mohr is the Deputy Director/Administration for the OH DOCR and Dick Franklin is a Corrections Program Specialist for the National Institute of Corrections.

Protective Custody: A Window to Institution Culture

Dick Franklin
NIC Corrections Program Specialist

Managing protective custody populations is the ultimate challenge to prison managers.

Some say, "Not so! We don't allow protective custody." Others say, "It's not so tough – we make them prove they need it – they have to name - names and the whole nine yards!" But, it IS the ultimate challenge. Rightly understood, it IS hard work!

Protective custody (PC) is generally thought of in the context of a program, status, or housing alternative, all governed by standing policy and procedure. But it is more than that. Protective custody in its fullest meaning is *custody that protects*. It cannot be rightly narrowed to a program, status, or housing alternative.

Protective custody in its fullest meaning is *custody that protects*. It cannot be rightly narrowed to a program, status, or housing alternative.

The imagined managers whom I engaged in conversation above, responded with reference to a policy through which they managed a relatively small group inmates in most prisons – those who come forward and request protective custody. This is the group that we consider when we talk about protective custody. But, beyond the policy and this small group of inmates, there is little thought of

protective custody in the context of a culture of fear that must be "managed" in most prisons.

Protective Custody in the Broader Context

It must be considered that there are many inmates who live in fear or under threat who do not come forward for various reasons. Some, because their fear is not specific – they are afraid of the environment or the culture around them – not of a specific person. Or, their fear is of a specific person, perhaps even a staff member, and they feel that "ratting" would exacerbate an already bad situation. Others do not come forward because they know the facility's P.C. policy and know it won't do them any good to request it.

On occasion, inmates are dealing with staff who have an independent view of PC and the "wimps" who request it and inmates know that such a request could make their situation worse. Then, there are those who will not give the name of the person(s) who is a threat to them. This is often the case when the one who is threatening harm is part of a gang in which case the danger may come from one of many different members. There are also those in most populations whose grasp of protocol or ability to assess and articulate their situation is so limited that it would not occur to them to ask for assistance. Such inmates may include those with limited intellect, developmentally disabled, or those suffering from mental illness.

In the traditional use of the term, managing protective custody requires constant attention to bonafide "separatee" requirements – keeping inmates apart who have an "axe to grind". Most of us have policy and procedure governing such problems and manage them pretty well. But, the management of protective custody in the broader scale – management of an environment and culture in which inmates perceive there to be threat – is a task much broader than that of developing policy, responding to those who request separation, and careful documentation of housing placements and institution movement related to the request.

The management and maintenance of an environment and culture free of threat, or in which threat is managed and minimized, requires constant attention to the relationships between staff and inmates, inmates and their peers, between various inmate groups, and within inmate groups. There must be awareness not only of the *conduct* of individual inmates and inmate groupings but the *context* in which it occurs. And, there must be a consciousness of the dynamics of inmate behavior and staff interaction as it is viewed on a daily basis.

Protection Through Segregation

While few, if any, inmates in most prisons are granted protective custody that involves specialized housing, many others build a wall of protection around themselves in some other way. Most correctional professionals acknowledge the existence of a

phenomenon that might be termed *self-imposed protective custody* – situations in which inmates find ways to remove themselves from a perceived threat - but rarely do we pay it much attention.

Prison staff are often *relieved*, rather than *concerned*, and do not examine the conditions prompting the separation when inmates separate themselves from their peers or from staff because of an un-named fear.

There are several types or levels of self-imposed protective custody. The first, and potentially most destructive and damaging to the individual, is self-imposed segregation. It cannot be denied that some inmates who feel threatened by predator(s) in the general population determine that their only safety

option is segregation. To accomplish this they engage in a specific or random act of violence or other very serious behavior, knowing the consequence will be segregation. Others, out of generalized fear of

the prison environment or threat they perceive in the culture will, similarly, opt to separate themselves into segregation. The "generalized" fear that may prompt such actions may grow out of a view that their fellow-inmates may create a disturbance or engage in other activities that will effect them; that others are dangerously aggressive or physically or verbally abusive; and some will see themselves as in danger because they view officer staff as inattentive and/or unable or unwilling to protect them.

Among the most difficult inmates in segregation are young offenders or those of small stature whose serious acting-out behavior serves a dual purpose – it shows their peers how “tough” they really are and removes them from the battleground where they may have to prove it. Upon examination, many prisons will find that an inordinately high percentage of their youngest or most vulnerable inmates are in a segregated status. This is often attributed to their “gang-banger mentality”, lack of a future orientation, the violence of the younger generation, etc.. More often than not, they have self-imposed segregation because they are “scared”. This group of inmates, having “earned” segregation will continue to disrupt the operation and assault staff to maintain their separation from general population. Their perceived need for protection overrides the discomforts of segregation, outweighs other needs, and justifies the behaviors they deem necessary to ensure that it continues.

Examination of a segregated population will often reveal a significant number of individuals who do not have a violent history but who have committed violent acts to get themselves into segregation. A young, repeat burglar, small of stature – *just* a thief – becomes violent and is “hell-on-wheels” for several years, fighting staff whenever he has opportunity. Why? Because in his view he could not chance placement in general population for fear of loss of dignity – perhaps his life.

It is critically important that managers carefully examine the profile of inmates who reside in their segregation units, be it disciplinary segregation, administrative confinement, supermax, or other specialized housing that separates inmates but limits opportunity. Such examination should attempt

to determine whether conduct leading to segregation is ego-syntonic or ego-alien. Is it characteristic of the inmates behavior in other contexts? Whether the conduct resulting in segregation is *avoidance* or *defensive* conduct in recognition that worse things than segregation are likely to result if s/he does not find a way of escape should also be explored. In addition, attempts should be made to determine if there are key relationships – staff or inmate – that may cause or exacerbate fear of threat and induce self-imposed separation. In conducting in-depth assessments of the conditions contributing to inmates’ placement in segregation and the inmates themselves, managers will discover important clues about the culture of the prison .

Protection Through Separation

The second type or level of self-imposed protective custody is the avoidance of interface with inmates who are perceived to be or are a threat to the individual inmate or group of inmates. While, at some level at least, most of us manage our lives through exercise of some separation techniques in interest of comfort or protection, the inmate separation referenced here is a pattern of avoidance and separation that is achieved at great cost in opportunity.

In a recent visit to a prison, the writer had occasion to witness an exchange between a Security Threat Group leader and administrator in which the STG leader demanded that the administrator immediately remove members of another STG from the housing unit in which his group was housed. This was an unusually brazen and open expression of the culture of the facility. Control of the culture by inmate groups is not usually expressed this openly but is known to inmates and causes many of them to go to

extremes in separating themselves in interest of self-preservation.

Most prison workers are aware of inmates who refuse activity except, perhaps, a job under the immediate watchful eye of the housing unit officer. Or of groups of inmates who do not go to the recreation yard, others who will not go on the basketball court, some who will not go to the commissary or even the dining hall: self-imposed protective custody to avoid confrontation, injury, strong-arming, or perhaps death.

Sound correctional management certainly dictates that we not demand that such inmates fully participate in the life of the institution – rather, that we shape or craft conditions in which they may safely participate and learn, grow, and develop the skills necessary to their success. Failure to provide such conditions is tantamount to outright refusal or denial of such opportunity. It is important that we pay attention when a culture that restricts opportunity or access exists, where it exists, the degree to which exists, and the interplay of staff in this aspect of the culture that either supports or controls it. How often is inmate refusal to work or engage in program based in fear of the environment or culture rather than the obstinance to which such refusal is usually attributed?

Protection Through Psychological Retreat

It is not altogether infrequently that inmates, in their inability to cope with their incarceration, escape through *psychological retreat* of one form or another. This may be prompted by real or perceived threats to safety, the conditions in which they live (crowding, noise, aggression, or other factors), unwillingness to accept their "badness" or "criminal" label, or a myriad of other factors.

Such retreat may take many forms including uncontrolled behavior attributable to mental illness, but whatever the form it takes it accomplishes a purpose.

To some inmates it is more acceptable to be "sick" than to be "bad" and their behavior will serve the purpose of demonstrating mental instability. Whether by suicidal gestures, "weird" conduct, self-mutilation, or other behaviors, some inmates stage a retreat from their reality. Often, those with underlying psychological problems deteriorate in the face of threat or conditions that are abhorrent to them and they will engage in conduct that cannot be managed in general population.

It is important to understand that inmates, like the rest of us, only do things or repeat behaviors that "work" for them. It is important to expend the effort and take the time to understand the purpose the behavior accomplishes for the inmate and to identify and diminish the threat that the inmate is seeking to escape.

Protection Through Affiliation

A fourth strategy used by inmates in finding protection is *affiliation*. Finding themselves at risk, some inmates will align themselves with others to achieve a degree of protection. Sometimes such affiliation is with staff – inmates bringing themselves to the attention of a housing unit officer and, perhaps, making themselves "invaluable" through support and assistance to a staff member. But, most often such affiliations are with inmates who are viewed as having "power" in the institution culture. Affiliation with inmate leaders or security threat groups for protection purposes is particularly damaging. Throngs of "wanna-bees" doing

the bidding of gang leaders often suggests this perceived need of protection. In almost every instance there is a price to pay for the protection and it usually requires a demonstration of commitment through unlawful activities.

Affiliation sometimes has sexual contexts, particularly if the inmate is seeking to escape the attention of a known sexual predator(s). Association with a known "devil" to escape the liaison with the dreaded "devil" may be viewed as an only recourse to gain the protection desired.

Protection Through Aggression

Then, there are those who seek to protect themselves through *aggression*. Adopting the "the best defense is a good offense" strategy, these inmates strike out at the environment in an attempt to stave off any and all threats to their safety. Unlike those seeking protection through segregation, earlier discussed – they are not attempting to "earn" a bed in segregation – they set out to demonstrate that they are not to be "messed with".

Such inmates often gain a reputation as being "crazy" and their unpredictability does build a wall around them. Sometimes they gain a reputation as being weapon-bearers and are often found to be in possession of weapons. They are also often known as being fearless when, in fact, their aggression is a product of their fear. Because their actions are defensive in their eyes – "if I don't get them they will get me" – they can be a very dangerous element in

the population.

A Window to Institution Culture?

A culture in which it is necessary for some of its' population, in interest of safety, to seek protection through strategies that reduce opportunity and are personally destructive is a culture that is in a destructive, down-ward spiral. Unchecked, such a culture becomes more and more tense, intense, restricting, and dangerous. With increasing tension and intensity, increasing demands for segregation, evidence of separation and avoidance, and risk of all-out retaliation becomes greater.

What should such signs – self-imposed segregation and separation or protection through psychological retreat, affiliation, or aggression – tell us? Do

they, indeed, provide insights to the culture of the institution? Or, are they just a "healthy" response to a perceived threat?

It must be at least considered that when we identify inmate "flight" from normal inmate activity and opportunity, the operational systems which are designed and intended to provide safety, security, and opportunity are not achieving that outcome for some inmates. At best, such a culture is not giving proper attention to how inmates are reacting to their environment and to staff/inmate and inmate/inmate interactions and taking corrective action as problems are seen. At worst, the "systems" are becoming, or have become, ineffective or dysfunctional. Systems such as assessment, classification, staff training and supervision,

program/work/housing assignment, security oversight, etc., all have a common objective – safety, security, and opportunity. When inmates find it necessary to establish their own “systems” for achieving safety, the culture has slipped to the “default” level and is no longer positive and productive.

Some will argue that, except in the most extreme instances, the inmate responses discussed above are “normal”, protective mechanisms that most, if not all, inmates employ from time-to-time in response to perceived threat. While true in part – the level of threat in any environment may shift on a continuum from “minimal threat” to “great threat” with different gradations for different individuals or groups – the more important consideration is the recognition of institution leadership that there is this continuum and that much of the conduct of inmates exists in response to the threat they perceive in the environment and the response of staff to such threat and their concerns (fear).

Short such understanding and efforts and mechanisms to assess environmental factors and inmate response to them, inmate conduct will be viewed idiosyncratically and attributed directly to “badness” or “madness”. Unfortunately, in such a situation there is no “fixing” of relationships, conditions, or tensions that are the stimuli evoking responses that are functional for the inmate (achieve a degree of safety) and viewed as dysfunctional conduct by staff. This “fixing” – or purposeful shaping of relationships, conditions, operations, tensions, etc. through assessment,

learning, training, and change – is the stuff that culture development is made of.

It must also be acknowledged that there are 2 sides to this coin. The flip-side of *self-imposed protective custody*, whatever form it takes, is *other-imposed protective custody*. When inmates self-select segregation, separation, retreat psychologically, affiliate for protection, or become the block-bully, it is almost always true that they have been *told* to do so – or else. Perhaps not in so-many words, the threat is nonetheless real. The threat may be implicit or explicit but in either case it is real to them and they of chosen the path they consider most promising to them. It is incumbent upon the correctional manager to recognize and understand this view of the environment and develop strategies to lessen the threat and the risk to

safety and security.

A Culture That Protects

Correctional managers have an affirmative responsibility to provide a protective culture in which inmates and staff can be safe and free to pursue growth objectives. A protective custody *program* gives only lip-service in addressing real threat in the environment. Only as protective custody is interwoven into every aspect of the prison culture and operation is it effective in ensuring dignity, safety, and opportunity.

At its heart, managing protective custody involves at least 2 activities. The first is the ongoing *assessment of the culture* of the

institution, its impact on individuals or groups of inmates, and the dynamics of interaction within the population and between staff and inmates. The second is purposeful activity directed toward the *shaping of institution culture* in ways that provide protection of the rights and dignity of each individual and providing for their growth-needs.

It must be understood that *when negative, self-defeating conduct is a response to stimuli in a relationship or the environment (arguably, it always is) it will inevitably be repeated until the stimuli are removed or the inmate develops skills that enable understanding of the dynamics of the relationship or environment and the development of immunity to the impact of the stimuli.*

Recognizing, understanding, and developing skills to counteract the impact of a threatening relationship or environment does not come through segregation or isolation and *may not even be a reasonable expectation for most inmates* unless far greater program offerings become available than are now available in most, if not all, prisons.

The task of mitigating stimuli in the institution culture that evokes destructive inmate responses is the job of the prison manager, with the help of her/his staff.

- ✓ *Segregation* for safety will not
- ✓ *Separation* to avoid conflict will not...
- ✓ *Psychological retreat* will not.....
- ✓ *Affiliation* for protection will not.....
- ✓ *Aggression* as a defense will not.....

It is necessary that managers recognize the stimuli in staff/inmate and inmate/inmate relationships and the culture of the facility that generate fear and a perceived need for protection and take steps to reduce this threat.

Only the purposeful intervention of the prison's managers and staff can interrupt the destructive cycles witnessed as inmates (and sometimes staff) seek ways to remain safe.

The management challenge is twofold. First, managers must develop and teach others to look beyond or behind the "obvious" and to understand the dynamics of the behavior witnessed and to identify relational dynamics in the prison environment. This requires a level of involvement in the life of the institution that is not characteristic of many/most prisons. Shaping a culture in which the relationships of staff and inmates, inmates and inmates, and each to the environment in which they work and live become of preeminent importance and a monumental challenge that will require our full attention and a will to better understand the work we do.

Second, managers must craft strategies to intervene and shape the culture into one that serves the needs of *each member* of the prison community, creating a true culture of protection. The crafting of strategies to intervene and shape the culture cannot be a "cook book" approach to prison management. It can only be successful as staff pay attention to and understand the threats in this environment; the problem relationships in this environment; the operational factors in this environment that induce inefficiencies, tensions, or threats; or the system weaknesses in this environment that exacerbate already-significant conflicts endemic in a prison life.

The *default* prison culture – a culture of the keeper and the kept – will always be negative and destructive unless managers with vision craft and nourish a positive, protective and uplifting culture.



Beliefs About the Treatment of Inmates

by Warden Dennis Luther

1. Inmates are sent to prison as punishment and not *for* punishment.

2. Correctional workers have a *responsibility* to ensure that inmates are returned to the community no more angry or hostile than when they were committed.

3. Inmates are *entitled* to a safe and humane environment while in prison.

4. We must believe in man's *capacity* to change his behavior.

5. Normalize the environment to the extent possible by providing programs, amenities and services. The denial of such must be related to maintaining order and security rather than punishment.

6. Most inmates will respond favorably to a clean and aesthetically pleasing physical environment and will not vandalize or destroy it.

7. *We do not treat all inmates alike* any more than we treat all people in the "free world" alike. We must be sensitive to personality differences, cultural backgrounds, lifestyles and educational levels and treat inmates as individuals.

8. Bringing racial bias into the institution that results in discriminatory actions can be every bit as dangerous to fellow staff members as the introduction of contraband.

9. Whenever possible, *provide explanations* for changes in policies and procedures that the inmate perceives as detracting from the quality of his life.

10. *Be responsive* to inmate requests for action or information. Respond in a timely manner and respond the first time an inmate makes a request.

11. *Be dependable* when dealing with inmates. If you say you are going to do something, do it.

12. It is important for staff to *model* the kind of behavior they expect to see duplicated by inmates.

13. The indiscriminate use of foul language by staff can only detract from the professional image staff must try to maintain.

14. There is *inherent value* in self-improvement programs such as education, whether or not these programs are related to recidivism.

15. Inmates need *legitimate opportunities* to enhance their self-esteem.

16. Inmates are to be treated *respectfully and with basic dignity*. Staff can treat inmates respectfully without compromising the essential element of professional distance.

17. Be courteous, polite and professional in all dealings with inmates, *regardless* of their behavior.

18. Staff *cannot*, because of their own insecurities, lack of self-esteem or concerns about their masculinity, condescend or degrade inmates.

19. Some inmates are very intelligent or knowledgeable. Don't be threatened but, rather, capitalize on their skills.

20. Never, *never lie* to an inmate.

21. Inmates will cooperate with staff to a much greater degree if motivated by *respect rather than fear*.

22. Don't impose rules, regulations or regimentation that cannot be *reasonably tied* to the need to maintain order and security.

23. Stress the value of rewarding good adjustment with privileges and amenities.

24. Punish behavior that threatens order and security — swiftly and harshly.

25. Send clear messages regarding the kind of behavior that cannot be tolerated.

26. Inmate discipline must be consistent and fair.

27. Use *only* the amount of force, verbal or physical, to maintain order, security and staff and inmate safety.

28. Do or say nothing to an inmate that you would not want to have videotaped for the warden's review!

Violating any of these principles of inmate management threatens the safety of staff and, in general, complicates the management of the institution.



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**Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N.
GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990).**

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.
6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.
9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
11. The above Principles shall be applied impartially.

Being There: The Role of Advocates

by Dolores Norley

Special laws and legislation are not of first importance in protecting the rights and interests of persons with developmental disabilities in the criminal justice system. Of first importance is that advocates be there to educate the criminal justice personnel.

Of course existing laws matter, but it's fatal to depend on them early on because the truth is that neither the courts nor most attorneys know the esoteric, protective laws that relate to persons with developmental disabilities. Nor do they know how the defendant operates, what to expect of the defendant, or what the defendant understands. More often than not they see the defendant as mentally ill, unpredictable, and maybe dangerous. Short of having the defendant caught standing over a victim with a smoking gun, the courts are eager to handle persons with developmental disabilities with dispatch and humanity. Judges are uncomfortable with the possibility that they will do the wrong thing and that they don't know the options they have in these seldom-heard cases. They often say at the Bar, "I haven't a clue..." We, as advocates, must help them by organizing and presenting to the court all the friends, facts, and community resources they need.

The first goal of advocates is to help get the defendant out of a terrorizing and often physically/sexually dangerous incarceration as quickly as possible. Family, friends, teachers, workshop personnel, employers, advocacy organizations, psychologists, and social workers should be there. They may have records and knowledge not otherwise available to the defense or the court. And they can offer support for a plan of secure supervision as an alternative to incarceration. Their offers of participation on the plan must be presented to the public defender or private counsel first, and as the case progresses to the state's attorney before the court approves it. It's important that these advocates don't wait

for defense counsel to call upon them. The counsel may not even want advocates there because few have had experience with defendants of significantly diminished cognitive ability and few understand the disability. If the defense counsel resists hearing helpful information, if it is clear that the defendant is not being adequately represented, then advocates must speak up, firmly but respectfully, in court. Most judges will not block information.

If it is clear to the judge that the community will provide the kind of supervision the situation and defendant require, the court is often willing to accept a plan to keep the person out of jail or prison, except in the case of capital and some pedophilic crimes. In some states there are codified Individual Justice Plans. When I have acted as an advocate in court, I've heard most judges say some variation of, "Thank God for someone who knows about this disability. I'm surrounded by criminal attorneys, and they don't know any more than I do about it."

In addition to advocating for specific defendants, we must continually educate the criminal justice system about persons with developmental disabilities. Few Florida courts, for example, know that they must appoint appropriate expert witnesses, not psychiatrists. The average public defender doesn't know who those experts should be; they often think they are dealing with mental illness when they are dealing with cognitive disabilities. Too many courts order psychiatric (rather than psychological) evaluations for incompetency to stand trial. So, we must train constantly. In 1989, with a grant from our state's Developmental Disabilities Planning Council, we started putting on the desk of every judge, public defender, state's attorney, and liaison social worker a small brochure titled *Defendants with Retardation: Dilemma for Criminal Justice Personnel*, that summarizes the controlling statutes,

placement options, and differences between mental retardation and mental illness. In addition, we offer training sessions that inform criminal justice personnel about acceptable procedures, the law and its rationale, even providing model petitions and orders on paper and computer disk. Offering the carrot of Continuing Legal Education credits brings in many attorneys.

It takes a few advocates with a bulldog's passion for a given area of reform to make a difference.

My personal fire-in-the-belly is prevention. That means police training. Forty-three years of training thousands of police in most states and four countries have provided enough feedback to convince me that the heightened awareness that training injects in the police system can help divert most people with developmental disabilities from the system altogether.

It takes a few advocates with a bulldog's passion for a given area of reform to make a difference. That kind of passion from advocates for persons with developmental disabilities, plus years, plus one or two public officials with the courage to speak from the inside, can change the ways in which our criminal justice system treats suspects and offenders with disabilities.

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Communicating with People Who Have Cognitive Disabilities

by Mary F. Hayden

As a result of Title II of the Americans with Disabilities Act, law enforcement and court personnel are faced with making reasonable accommodations to people with cognitive and other disabilities. Communication is the first area where professionals need to think about how they are accommodating an individual with cognitive disabilities. The purpose of this article is to raise awareness of certain factors that need to be considered in communicating with persons with cognitive disabilities within the context of the justice system, and to offer a framework for further discussions on developing guidelines and procedures that ensure reasonable accommodations at all levels of our legal system.

Communicating Concretely

People with cognitive disabilities tend to think in concrete and literal terms. As a result, they may not understand the meaning of words such as parole, probation, plea bargaining, restitution, community service, and waiver of rights. It is also true that although a person may understand a word, they may not understand the consequences of the word. The concept of restitution may be too abstract for an individual with a cognitive disability. The person may understand and have a deep desire to pay for damages he or she caused, but may not understand all that restitution entails. For example, people with cognitive disabilities typically live at or below the poverty level. They might not have the money to make restitution even though they want to. Unless a defense attorney is willing to sit down with a client and examine the client's personal budget to determine if restitution is possible, the attorney cannot negotiate for restitution in good faith. If it is fiscally possible for a client to make restitution, an attorney

still needs to assess whether the client needs a court-appointed advocate or conservator to ensure that the client follows through with payments.

When communicating with persons with cognitive disabilities about their rights, the consequences of their behavior and choices, and their options, the safest approach is to involve an individual who is close to the person – such as a friend, family member, social worker or counselor – to help interpret what is being said and ensure that the person understands what is going on. It is important, while doing this, to continue talking to the person with a disability directly, rather than talking about him or her with others as though the person were not present.

Interpreting Agreement

People with cognitive disabilities frequently will agree with others even when it is not appropriate. This may occur for several reasons. They may be intimidated by authority figures. They may have been told that the police are their friends and that they should trust them; they may therefore want to please a police officer by saying what they believe the officer wants to hear, regardless of whether it is true or not. Some people with cognitive disabilities want to hide the fact that they have limitations and that they do not understand everything; they may agree with people because they know most people will not ask them to elaborate on a "yes" answer. As a consequence of a tendency to agree with others, police cannot assume that individuals with cognitive disabilities understand their rights when read to them. Additionally, law enforcement personnel and attorneys cannot place a piece of paper in front of a person with a cognitive disability, ask the person to read the information, and then ask the person if

he or she understands what it says. If the person responds in a affirmative manner, the response could mean that (a) the person did read and understand the information; (b) the person may not know how to read and said "yes" to hide an inability to read; or (c) the person may know how to read, but does not understand the information and said "yes" to avoid appearing "stupid."

To ensure that persons with cognitive disabilities understand what is said to them verbally or in writing, and that an affirmative response to any questions truly reflects a "yes" on their part, it is best to involve a person who is in a close relationship with the individual and knows the individual well. Other options are to (a) involve a legal advocate with documented professional experience with people with cognitive disabilities; (b) read rights or statements one at a time, asking the person to repeat what was said, and asking the person to explain the meaning of what was said before going on to the next item; or (c) use an alternative format to communicate information to the person, such as pictures.

Asking Questions

Sometimes individuals with cognitive disabilities require more time to process questions than they are allowed. At times questions may be too complex or confusing, or may be worded in such a way that they lead the person to an incorrect response because of differing interpretations of the question. Complex questions should be broken down into simple, concrete questions. If the person does not immediately respond to a question, they should be allowed 30 seconds to answer, and then asked if the question should be stated again. Sometimes persons with cognitive disabilities give responses that seem factually incor-

rect; this may be because they have interpreted words differently than intended. In these situations, the information can be verified with someone who knows the person well. Open-ended questions and yes-no questions tend to be difficult for persons with cognitive disabilities. With yes-no questions, they are more likely to answer "yes" regardless of whether it's the correct answer. Either-or questions and multiple-choice questions with pictures may be more useful. It is important that investigators ask for the same information in alternative ways to determine whether answers are consistent with each other and what, if any, systematic biases are operating. Where possible, answers should be verified by independently obtained information (e.g., informants, files or observations).

Understanding Speech

Sometimes people with cognitive disabilities have articulation difficulties or limited language and, as a result, their speech may be difficult to understand. If a person is upset or nervous, his or her speech may become even less understandable. Sometimes talking with the person for awhile helps the listener become accustomed to hearing their speech pattern. It may also be helpful to do the following:

- Use simple clarification (e.g., "What? I didn't understand you").
- Re-ask the question (e.g., "Let me ask that again. I couldn't get your answer"). It may be necessary to re-ask the question a number of times. This is preferable to jumping to an interpretation which may be wrong.
- Try to calm and focus the individual (e.g., "I know you are really trying hard to answer my questions. I know you are trying hard to get me to understand you. I really want to understand you. So, how about if you try to talk a little slower and take your time. I will try to listen harder").

If these strategies do not work, other approaches must be used to understand the person's method of communicating; this may include having an advocate or someone who knows the person well present during questioning and proceedings. An advocate or person close to the individual can help the person understand what is being asked and help others interpret the answers. In using an advocate or other familiar person, attorneys and law enforcement agents should discuss the overall situation and questions with the advocate before questioning begins so that the person can think about how to translate information into concrete, understandable terms for the person with a cognitive disability.

Staying Calm and Focused

Like everyone else, people with cognitive disabilities may associate a question with a previous event that appears to be unrelated. In such instances, it may be helpful to link the association with the question by responding, "That's interesting. How does that relate to (question content)?" Other possible responses include suggesting that such topics be discussed at the end of the interview, taking a break from the interview and letting the person talk, and redirecting the person to the question.

Sometimes people become disruptive or behave inappropriately because they are bored, scared, angry, sad, worried about a loved one who has been hurt, or reminded by the current situation of an unpleasant past experience. If this occurs possible approaches include:

- Redirect the person back to the question in a firm and polite manner.
- Smile, use words of encouragement, pay close attention to the person, and answer questions.
- Ask if the person needs a break.
- Ask whether the person wants to answer the question or go to another.
- If the individual poses a physical danger to anyone, terminate the interview and try again later.

Other responses that may be problematic include a response that is irrelevant or inadequate. Options include rephrasing the question, using an alternative format such as pictures, or bringing in someone close to the person to help interpret what is being said.

Responding to a Crime Victim

When a person with a cognitive disability has been a victim of a crime, that person may behave in ways that are mistakenly attributed to their disability. They may be fearful, depressed, aggressive, withdrawn, acting out, or self-destructive. The person may not have the language skills or vocabulary to report an incident or be viewed as a reliable witness. Concessions must be made by law enforcement personnel, attorneys, and judges to understand the victim's method of communication. An advocate or someone close to the person may be needed to help the victim understand what is being asked during the investigation. Articulation difficulties may require a speech therapist or someone close to the person to "interpret" the person's statement or testimony.

Many adults with cognitive disabilities have a high need to be accepted. If the perpetrator offered friendship or attention, it may have been hard to say no. As a result, the victim may have ended up in an exploitative or abusive relationship that they perceived as friendship. When talking to or questioning the victim, the interviewer needs to assess if this is the case. Under such circumstance, the appropriate authorities should be notified.

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Pueblo DD/MH Consortium Diversionary Program

by Larry Velasco

A decade ago in Pueblo, Colorado, a number of developmental disability and mental health agencies were playing a game of "hot potato" whenever an individual with developmental disabilities and mental health needs committed a crime. Each specialized agency referred the individuals to another agency, claiming that they were not equipped to handle the complex needs of this population. Everyone was very frustrated and angry at everyone else for not taking care of the "problem." At one point a case manager came to the Pueblo County Board for Developmental Disabilities, Inc. (PCBDD) Executive Director and told him he had been called at 1:00 a.m. by an official of the Colorado State Hospital demanding that this case manager come and pick up

A decade ago developmental disability and mental health agencies were playing a game of "hot potato" whenever an individual with developmental disabilities and mental health needs committed a crime.

a "retarded" person who was raising hell in the hospital and who was totally inappropriate for the mental health setting. That was the proverbial straw that broke the camel's back.

The PCBDD Executive Director convened representatives from all local agencies which would possibly have some involvement with persons with developmental disabilities. To make a long story short, a diversion program for individuals with developmental disabilities and

special criminal justice needs was established in April, 1987, and named the Pueblo DD/MH Consortium. The major co-developers of the program included the Pueblo County Board for Developmental Disabilities Inc. (PCBDD), Colorado Mental Health Institute-Pueblo, Pueblo Regional Center, Spanish Peaks Mental Health Center, St. Mary-Corwin Hospital, and Parkview Episcopal Hospital. Ultimately, the Pueblo District Attorney's Office, Police Department, Sheriff's Department, District and County Court Judges, and Probation Department also became involved.

Dr. Peter Holmes, from Eastern Michigan University, was invited to consult with the group to formulate approaches towards dealing with this challenging population. He met with the Consortium in September, 1987, and the outcome of the consultation was that the group established a cooperative process for responding to issues on a case-by-case basis. Case managers, psychologists, and social workers were among the first individuals to make presentations to the DD/MH Consortium. The Consortium members reviewed all aspects of each case and recommendations were made by the members to piece together a cooperative intervention plan for each individual.

During the subsequent two years the Criminal Justice Intervention Process (CJIP) was developed by Consortium members. The CJIP provided a "flow chart" process that guided the courts, case managers, and agencies in "creative sentencing" for offenders with developmental disabilities. The pressure was taken off the judges who had been attempting to direct agencies in approaches toward resolving the problems of offenders with developmental disabilities. Unfortunately, those approaches had not worked very often and a revolving door treatment cycle continued for many of the "bad actors" who could not refrain from reoffending.

With the initiation of the CJIP, offend-

ers were charged for their offenses and placed on probation. A plan of intervention was developed by the DD/MH Consortium and was included as treatment requirements for the offender. Creative sentencing could be used by the judges.

Over 80% of the 50 individuals served through the DD/MH Consortium have been successful in their programs.

including consequences if the offender failed to cooperate (i.e. jail time of 2 hours to 2 weeks could be imposed). the individual did not profit from jail time, other consequences were imposed (i.e. personal property could be taken away for a specified period of time and returned after the individual "earned" the property back; recreational outings could be taken away; special treats could be withheld etc). The DD/MH Consortium has successfully used the CJIP with approximately 50 individuals since 1989.

Another outcome of the DD/MH Consortium has been the development and implementation of the Appropriate Sexual Expression Therapy (ASET) group. This group therapy for sex offenders with developmental disabilities has been provided since 1994, and has served eight sex offenders. Two individuals have successfully "graduated" from the group without relapse.

In addition to the ASET group, the DD/MH Consortium has spearheaded the development and implementation of the DD Offender Program. This dental program provides two homes

that each house three individuals and also oversees the programs of an additional four individuals who are living with roommates in the community, on their own or in other facilities. Components of the program include a highly structured and supervised residential setting, integrated community employment or work skills training, provision of extensive structure and supervision, highly specialized case management services, psychological services, and development of individualized behavioral point/level programs. Placement in the offender program has also been used in the CJIP creative sentencing process.

The work of the Pueblo DD/MH Consortium has enhanced the effectiveness of treatment and prevention of relapse for those individuals who have previously had long-term problems and whose ability to live in the community has been in jeopardy. Over 80% of the 50 individuals who have been served through the DD/MH Consortium have been successful in their programs. The rate of recidivism through the courts is at about 20%, primarily due to charges

pressed by persons within the human services system to insure that individuals receive meaningful consequences. Through the DD Offender Program and ASET group it has become apparent that people with developmental disabilities who are also offenders are able to improve with therapy, structure, and consistency. They can learn to better control their attention, calm themselves down, improve life skills through program activities (such as reading and writing ASET group homework), identify "stinking thinking" and replace it with "good thinking," identify the behaviors they want to change, reach out for assistance and support when they feel out of control, and be compassionate and supportive with one another.

The education of all persons in the justice system – including judges, attorneys, police, and detention officers – as well as professionals in the human services system is resulting in improved treatment and meaningful consequences for offenders who have developmental disabilities. Judges and district attorneys are calling case managers when indi-

viduals with special needs come before them without human services supports, and the public defender's office is participating in developing viable alternatives in some difficult cases.

As the DD/MH Consortium marks its 10th year, there are positive results to celebrate. The challenges that lie ahead include continuing to build on past successes in a manner that is responsive to societal changes, such as the removal from the welfare system of persons who may have special needs and who may be placed in desperate financial situations that could lead to violations of the law. In this climate, the Consortium will continue to work collaboratively with both the human services and legal system to offer people alternatives and to ensure appropriate consequences for those who do become involved with the criminal justice system.

Larry Velasco is Executive Director of the Pueblo County Board for Developmental Disabilities, Inc., Pueblo, Colorado. He may be reached at 719/546-0572.

Ron's Story

My name is Ron Gisi and I am 44 years old. I live with my dog Lucky in a house that I rent. I've lived there for four years. Before that I was in the DD Offender Program. I lived in a house with two roommates and staff who help people who have had some problems with the law. Before I was in the DD Offender Program, I lived in an apartment run by the Mental Health Center. I had a roommate and staff lived next door. I had some problems and I really wanted more help. I didn't want to hurt other people any more.

The DD Offender Program helped me and I have a nice team that still helps me. Ed comes by most days and helps me with shopping, paying bills, my appointments, and other things. I like ani-

mals, like my dog Lucky. I'm training that ole girl; she knows everything now.

Since I started in the DD Offender Program, I started going to visit my family in Denver again. I first started going with staff for short visits. My mom and my sister and brother liked the progress I was making with my behavior. They wanted me to visit more. I went home this Christmas for three days. I went on the bus. Sometimes Lucky gets some Christmas presents, too. Mom says my behavior deserves an A plus plus!

I work at Mesa Veterinary Clinic and I get Sunday and Monday off. I've worked there almost 7 years. On my job I move some of the dogs and clean their cages. Ajax the Cat is there watching me and I give him some water. Sometimes we have

big birds, pigs, a lamb and, one time, a camel. I don't think anyone else could do my job. I want to keep that job!

I like to listen to music, turn on the TV and hear some Spanish. I like to go out to eat, take some walks, play cards and clean my neighbor's sidewalks off. I go fishing and on picnics with friends.

I meet with my team every month to talk about how I'm doing. I just want to keep my record clean and I want to stay in one place. No more moves. And I don't want to go back to the state hospital. I want to follow all my programs and work with my team so they are proud of me.

Contributed by Ron Gisi, Pueblo, Colorado

The Education of Juveniles in the Criminal Justice System: A Mandate?

by Barbara E. Ransom and John Chiarusti

Approximately 450,000 juveniles are confined to juvenile correctional facilities and state training schools, and 300,000 serve some time in adult jails annually in the United States (Leone, Rutherford, and Nelson, 1991). On any given day more than 300,000 juveniles are incarcerated nationwide (Schwartz & Koch, 1992; U.S. Department of Justice, 1991). Arrests of juveniles ages 10 to 17 for violent crimes jumped approximately 70% from 1980 to 1995, and all indications are that the numbers will continue to rise.

The prevalence of disabilities within the juvenile inmate population is about four to five times greater than in the general population. Casey and Kelirtz (1990) conducted a meta-analysis of the few prevalence studies available on juvenile offenders and reported an estimate of 12.6% with mental retardation, 35.6% with learning disabilities, and an excess of 22% with mental health issues. Data collected by Bullock and McArthur (1994) from a national survey of state youth correction agencies suggest that approximately 23% of incarcerated juveniles are individuals with disabilities. The predominant disabilities among incarcerated juveniles as reported by the 30 responding states were learning disabilities (10%), mental retardation (2.6%), and emotional disturbances (10%) (Bullock and McArthur, 1994).

In spite of this large number of juvenile offenders with disabilities in the criminal justice system, and laws clearly stating that they shall be provided an appropriate education, correctional education programs are not complying with the mandates. The Individuals with Disabilities Education Act of 1990 (IDEA), requires that all children with disabilities have available to them "a free and appropriate public education which emphasizes special education and related services designed to meet their unique

needs." Children are eligible for services under the IDEA through their 21st year in most states. Because the juvenile justice system generally defines youth as up to age 18, juveniles in juvenile facilities are entitled to IDEA services. When a state provides services through age 21, young offenders in the adult correctional system continue to be eligible.

Under the Civil Rights for Institutionalized Persons Act authored by the Department of Justice, individuals within the correctional system should receive rehabilitative services not below a constitutionally guaranteed minimum standard of care. "Institutionalization does not set aside the substantive rights for the developmentally disabled person to individualized assessment, eligibility for developmental disability services, an individual habilitation plan, or Individual Education Plan [IEP], and service delivery in the least restrictive appropriate alternative environment, even if the appropriate level of restrictiveness is an institutional setting" (Levine 1995).

Correctional administrators and state education agencies have been slow to realize that *all* of the IDEA's provisions, and the educational provisions under Section 504 of the Rehabilitation Act, plus the applicable state regulations, apply to all children with disabilities, including eligible youth who are in correctional facilities. They are even slower to develop programs to meet the needs of this population. The mixed signals from the federal government constitute one reason for the inadequacy of educational programs.

Since 1977, plaintiffs in more than 20 class actions have tried to secure the rights of incarcerated juveniles with disabilities to receive an appropriate education and related services. Many of the cases produced settlement agreements; in one that did go to trial, *Alexander S. v. Boyd* (1995), Judge Joseph F. Anderson,

Jr. for the South Carolina federal district court ruled that the IDEA applied to correctional facilities. The facts of the case revealed that of the 2,000 juveniles annually committed to long-term correctional facilities, as many as 50% were in need of special education but did not have fully formulated IEPs as required under the IDEA. Judge Anderson contacted the U.S. Department of Education to clarify that school records can be sent from the prior school district to the correctional facility and that the educational services under the existing plan can be implemented during periods of short-term, temporary confinement.

Leone and Meisel (1996) looked at the impact of three other cases, *Andre H. v. Sobol*, an action against a juvenile detention center in New York City that resulted in a settlement after 7 years of litigation; *Johnson v. Upchurch*, an action against the Arizona Department of Corrections that resulted in a settlement agreement after 5 years; and *Smith v. Wheaton*, filed in federal court in Connecticut in 1987, in which the issues have not been resolved. Among other findings, Leone and Meisel concluded that litigation in this area, although costly and protracted, is one means of improving conditions of confinement for juveniles in correctional facilities.

Education laws were written to be implemented in traditional school-based settings, and the modifications needed to implement education programs in the criminal justice setting have neither been properly documented nor consistently applied. Bullock and McArthur (1994) attribute the inconsistencies in programs for this growing population to the noticeable absence of any federal priorities or commitments. Other problems stem from funding limitations, the governance and standards of correctional educational programs, a lack of contact between correctional education

programs and students' prior schools, and the prior mobility and educational experiences of the incarcerated youth. Nonetheless, the IDEA and state laws incorporating the IDEA's provisions provide substantive and procedural rights to children with disabilities and their parents, require the use of promising education practices, and mandate that these children be educated in the least restrictive environment.

The problems are pervasive. Correctional educational programs tend to identify, assess, place, and program students based on their findings from a single intelligence test. Students who received special education prior to incarceration generally are not earmarked for special processing, and schools, incorrectly relying on the Family Education Rights and Privacy Act, often refuse to forward records to correctional facilities. Standards are needed to raise the level of performance of correctional facilities in providing special education and to insure that programs are established and adequate to reintegrate students into local schools or jobs.

It is no secret that education can be a useful tool to keep youthful offenders from returning to prison once they are released. Rutherford, et al. (1985) developed the following six elements of an effective correctional special education program:

- **Functional Assessment: Effective Screening of Suspected Individuals with Disabilities.** Students in correctional facilities should be carefully evaluated by an interdisciplinary team consisting of teachers, counselors, a psychologist, social workers, parole officers, and other individuals with whom the student will work. Physical and medical examinations and speech and hearing assessments should be considered, as well, to give the team a total picture of the general health of a student.
- **Functional Curriculum.** Juvenile offenders with disabilities need to learn how to manage in the world outside the institution walls. A functional curriculum is one that relates an academic curriculum to the juvenile's daily reality, such as finding a job, managing a budget, and shopping.
- **Vocational Special Education.** Functional vocational training for juvenile offenders with disabilities must combine academic, vocational, and social skills. Teachers in correctional facilities must train juveniles in marketable skills and provide guidance in choosing a vocation. The combination of marketable and daily living skills increases the chances of surviving and staying outside the justice system.
- **Transition Services.** The IDEA mandates that eligible youth 14 to 21 years of age must have a transition plan prepared and implemented that supports their identified post-school goals. The IDEA requires the educational agency to draw on other appropriate resources and agencies to develop an effective transition plan. The Bureau of Labor, community agencies, and other services should be used to provide opportunities and support services.
- **Comprehensive Systems.** Cooperation and communication are needed both in the correctional facility itself and among the facility and other institutions in order to create a system that can effectively identify, account for, and serve the needs of juvenile offenders with disabilities. Inter-agency agreements addressing issues of record sharing, budgets, joint evaluation and planning around specific goals and objects must exist to provide effective transition plans for students 14 years and older as mandated by the IDEA.
- **Correctional Special Education Training.** The majority of teachers for juvenile offenders with disabilities lack special education certification. Teachers must be trained in special education concepts and techniques, keeping in mind the essential need to incorporate practical skills into the special education curricu-

lum. Bullock and McArthur (1994) suggest that qualified personnel are needed to work with juvenile offenders with disabilities and teachers trained in special education methodology must also be prepared to work within a correctional setting.

The need for positive change in correctional educational programs and in the criminal system is a public concern. Adjudicated youth with disabilities do not have advocacy groups lobbying on their behalf. They simply have not been made a priority. "In effect, education has abdicated responsibility until such time as the student is returned to the community. Only through the coordination and collaboration of different agencies will these students receive an appropriate education" (Wilhite, and Cessna, 1996). We must remember that in this country all children with disabilities, regardless of residence, have a legal entitlement to special education services reasonably designed to meet their needs.

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[Sorenson, continued from page 1] without disabilities (Wilson & Brewer, 1992). The most comprehensive treatment of these issues can be found in Dick Sobsey's book, *Violence and Abuse in the Lives of People with Disabilities*.

The great mystery is why people with disabilities and their advocates have been so silent about this epidemic of violence directed against them. Many people with disabilities or their family members have told me that they suspect that the reason they have been so slow to recognize this problem is that it is too painful to face the possibilities. The fact that the criminal justice system, the media, and academia have generally failed to inform us of the problem may often make that process of emotional avoidance moot. The police, prosecutors, victims' movement, and courts, as well as most service professionals and providers, are largely unaware of this problem.

People with developmental or other severe disabilities comprise over 10% of the population. If they were experiencing violent crime at the same level as the general population, then 10% of such police and prosecutorial cases would involve victims with severe disabilities. During a recent training session in California, 85 prosecutors and detectives who worked on sexual assault cases in one California county were asked if any of them had 5% of their caseload that involved victims with severe disabilities. No one did. At 1% two people did. This is consistent with the results found in a number of studies.

Using a very conservative rate of four times the general rate of violent crime for people with developmental or other severe disabilities, just under one-third of all police and prosecution cases of violent crime should involve victims with severe disabilities. The police, prosecutors, and courts are not bringing perpetrators of these crimes to justice at anywhere near the rate that they do perpetrators of violence against people without disabilities.

People with disabilities, their families, and advocates are beginning to speak out about this problem. There is

new and vigorous activity by people with disabilities and their families in California, Pennsylvania, Texas, New Mexico, and other states. It appears to be gathering momentum, an inevitable momentum. As the general public learns about this, there will be a growing demand that the criminal justice system take effective action to provide equal protection and equal justice. This will happen because people who have loved ones with disabilities and people with disabilities themselves have no choice but to demand it with whatever persistence and energy it takes.

California has attacked this problem by forming a working partnership between people with disabilities, their families, and advocates, professionals, service providers, and organizations representing all the elements of the criminal justice system. We all have the opportunity to help establish or join in such partnerships to help lead in the reforms and adaptations that this problem will demand. It is an opportunity that needs to be taken.

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[Laski, continued from page 3] instructed by the court." Recent court decisions have upheld the civic rights of blind persons under Section 504 of the Rehabilitation Act and the ADA to serve as jurors (*Galloway v. Superior Court of District of Columbia*, 1993).

As the Court of Appeals noted in *Guzman*, each juror brings to the deliberation process his or her own background and experience. It is the judges'

role to ensure that the rights of individuals with disabilities are upheld throughout jury selection and the trial.

Conclusion

The intention behind the American with Disabilities Act is to ensure equal protection under the law for individuals with disabilities. Our society and legal system are still in the process of interpreting and implementing that intention in relation to persons with disabilities in the justice system. Even as that process continues, those whose professions lie within that system have a responsibility and obligation to ensure that they do not treat persons with disabilities in a discriminatory manner. This obligation includes the duty of law enforcement agencies to recognize and respond appropriately to victims and suspects who have disabilities, the responsibility of detention and correctional facilities to treat all inmates equitably and respect their human rights, and the obligation of our court system to make justice accessible to all American citizens.

- Batson v. Kentucky, 476 U.S. 79 (1986).
- Crawford v. Indiana Department of Corrections, 1996 WL 467172 (N.D. Ind.).
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- Fowler v. Gomez, 1995 WL 779128 (N.D. Cal.).
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Resources for Further Information

The following resources may be of use to readers seeking more information about persons with developmental disabilities and the justice system. Please contact the distributors for information about costs and ordering. This list was compiled with the assistance of The Arc of the U.S. *Access to Justice National Resource List*.

- **The International Coalition on Abuse and Disability (ICAD).** ICAD maintains a Web site and an associated listserve that helps to link people concerned about issues of abuse and victimization of persons with disabilities. The Web site address is: <http://www.quasar.ualberta.ca/ddc/ICAD/icad.html>.
- **Community Services Reporter (July 1997).** This July, 1997, issue includes articles profiling programs and approaches for offenders with disabilities from around the country, including the new mentoring program offered to parolees with mental disabilities in Texas. Published monthly by the National Association of State Directors of Developmental Disabilities Services, Inc. (NASDDS). For subscription and other information contact NASDDS, 703/683-4202.
- **Draft Report of the Victims of Crime Committee: A Criminal Justice Task Force for Persons with Developmental Disabilities (1997).** This report contains 69 major initiatives and reforms necessary to the provision of more equal protection under the law for people with developmental disabilities. Available from Arc California, 120 I Street, 2nd Floor, Sacramento, CA 95814 • 916/552-6619.
- **PERSPECTIVE Advocacy.** An advocacy and support organization whose mission is "To ensure legal, civil, and human rights of African Americans and African Americans with develop-

mental disabilities and their families." Services include its Justice System Program that assists individuals involved in the criminal or juvenile justice systems. For further information contact PERSPECTIVE Advocacy, P.O. Box 50518, Minneapolis, Minnesota 55404 • 612/305-6916.

- **The Arc of the U.S.** The Arc has a variety of materials and activities related to people with disabilities in the criminal justice system. Its Web site (<http://TheArc.org/ada/crim.html>) includes its Access to Justice National Resource List, as well as online versions of The Arc's criminal justice materials. Also online is a chart describing the 31 individuals with mental retardation who have been executed in the U.S. since 1976. The chart address is: <http://TheArc.org/depts/dpchart.html>. For additional information on materials and activities, contact Leigh Ann Reynolds at 800/433-5255.
- **Defendants, Victims, and Witnesses with Mental Retardation: An Instructional Guide for Judges and Judicial Educators (1995).** This training curriculum for judges includes practical suggestions on accommodating persons with mental retardation during courtroom proceedings. Topics include identifying persons with mental retardation, facilitating courtroom communication, courtroom accommodations, and court referral for community services. The manual also lists referral agencies for each state. Available from National Judicial College, University of Nevada, Reno, Nevada 89557 • 800/255-8343.
- **Into the Jury Box: A Disability Accommodation Guide for State Courts (1994).** This publication offers practical suggestions on how to modify each phase of the jury pro-
- cess to increase accessibility for persons with disabilities. Available from Commission on Mental and Physical Disability Law, 1800 M Street NW, Washington, DC 20036 • 202/331-2240.
- **Mental Disability Law: A Primer (1995).** This booklet offers a comprehensive overview of mental disability law, including key terms and tips on providing effective representation for clients. Available from Commission on Mental and Physical Disability Law, 1800 M Street NW, Washington, DC 20036 • 202/331-2240.
- **The Criminal Justice and Human Service Systems: A Coordination Handbook (1994).** This publication provides information for people working in the human service and criminal justice systems when both systems are involved in the life of a person with a developmental disability. Available from the South Dakota University Affiliated Program, 414 East Clark Street, Vermillion, South Dakota 57069-2390 • 800/658-3080.
- **A Passion for Justice (1995).** This videotape features author and advocate Robert Perske. Inspired by his book *Unequal Justice*, the videotape reveals injustices people with developmental disabilities often encounter when falsely accused of committing crimes. Available from Hilltop Productions, 24 Park Place, Suite 24D, Hartford, CT 06106 • 203/951-3557.
- **Contacts with People Who Have Mental Retardation: Training Key #353 (in press).** This training package developed by the International Association of Chiefs of Police and updated by The Arc is designed for use in training police officers how to interact with persons with mental retardation. Available from The Arc of the U.S., P.O. Box 1047, Arlington, Texas 76004 • 817/261-6003.

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Managing the Changing Offender Population

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Managing the Changing Offender Population

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Abstract

In recent years, the Federal Bureau of Prisons' inmate population has grown substantially as the result of changes in law enforcement practices and judicial policies at the Federal level. This growth produced a number of changes in the composition of the Federal inmate population, particularly in the age distribution within specific racial or ethnic groups. Coupled with increases in misconduct rates and a number of disturbances, these changes led some to argue that a different type of offender was entering the Federal system who was more difficult to manage.

At the same time, the Federal Bureau of Prisons has had good success with inmates in drug abuse treatment programs that use cognitive-behavioral approaches. One of the essential strategies of this approach is to work with inmates, first to clarify their values or attitudes, and then to focus on the ways in which their past criminal actions and their consequences are inconsistent with any pro-social values or attitudes which they are willing to endorse. Proposals were made to adapt this approach to use with younger inmates entering the system for the first time. One question, however, was whether this approach would be less effective with younger, more aggressive inmates if their values and outlook were essentially anti-social.

Two sources of information are reviewed to examine these issues. Recent data from the Federal Bureau of Prisons' inmate management databases are reviewed to compare misconduct rates for different age groups by race or ethnicity. Consistent with past research on the subject, these data show that age is a more important predictor than race or ethnicity for most types of misconduct. A second source of information is drawn from a survey of male inmates under age 30 in medium security level Federal facilities. The results of this survey indicated that, by large majorities, these younger inmates endorsed pro-social, conventional goals and values. There were, however, a minority of inmates who endorsed attitudes favoring the use of aggression, the abdication of responsibility, and displayed a lack of remorse. Such inmates were less likely to report they had participated in a program and more likely to report having engaged in misconduct since coming to prison. The implications of these results are discussed within the context of perspectives that stress inmates' style of behavior in explaining their adjustment to prison life.

The opinions expressed are those of the author and do not reflect the policies of the Federal Bureau of Prisons or the U.S. Department of Justice.

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Managing the Changing Offender Population

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Over the last few years, the Federal Bureau of Prisons' inmate population has grown substantially, to reach nearly 120,000 by midyear 1998. This growth was the product of the continuing effects of changes which have occurred since the 1980s in law enforcement and prosecutorial practice at the Federal level. These included the war on drugs and a number of related legislative initiatives which established Federal sentencing guidelines, eliminated parole, imposed mandatory minimum sentences, and substantially reduced prison good time. During this time there was also a rise in the rates of prison misconduct and a number of serious disturbances in Federal correctional facilities, including several during October, 1995.

Many observers saw these events as more than coincidental and attributed them to the arrival of a new type of offender in the Federal prison system who they believed was significantly more difficult to manage. This new type of offender has most often been described as a younger and more aggressive, generally urban individual who was, before coming to prison, involved in street gangs that used or sold drugs and routinely employed violence. A great many of these inmates were thought to be so steeped in street culture or committed to gang life that even their basic values were essentially anti-social. Attitudes which endorse the use of aggression, display an abdication of personal responsibility, and show a lack of any sense of remorse for past criminal or anti-social behavior were thought to be much more common among these younger inmates.

Changes in the Composition of the Federal Inmate Population

There have been, in fact, a number of notable changes in the composition of the inmate population within the Federal Prison System. Between 1991 and the end of 1997, the Federal population grew by almost 60 percent. During that time, the number of White inmates grew by 40 percent, while the number of Black inmates grew by 90 percent. The net result was that, while there were substantial increases in the number of inmates from both groups, Black inmates increased as a percentage of the population (Table 1). They went from being almost 32 percent of the total population in 1991 to nearly 39 percent by the end of 1997. Note that in the table below, the number of Hispanic inmates for each year is shown separately for the purpose of comparison, but is also included in their appropriate racial category in this table only. About nine out of ten Hispanics are White. In the discussion below, the terms "Black" and "White" will refer to non-Hispanic Blacks and non-Hispanic Whites respectively, while the term "Hispanic" will refer to all Hispanics regardless of their race.

Table 1: Total Number of Inmates in Federal Prisons by Race and Ethnicity by Year, 1991-1997

Year	Total Inmates	White Inmates		Black Inmates		Hispanic Inmates	
		Number	Percent	Number	Percent	Number	Percent
1991	71,608	46,868	65.5	22,727	31.7	19,086	26.7
1992	79,859	51,932	65.0	25,763	32.3	21,667	27.1
1993	89,129	56,536	63.4	30,169	33.8	24,262	27.2
1994	94,558	58,403	61.8	33,448	35.4	25,226	26.7
1995	100,250	60,261	60.1	37,055	37.0	27,559	27.5
1996	105,544	61,885	58.6	40,323	38.2	30,003	28.4
1997	113,191	65,695	58.0	43,844	38.7	33,237	29.4

Source: Federal Bureau of Prisons, SENTRY system. Counts by race do not add to the total because inmates of other races are not shown, but are included in the totals.

This change in the percentage distribution by race in the Federal inmate population tended to obscure a more significant change which was associated with it—differences in the age distribution within groups. By the end of 1997, nearly 43 percent of Black inmates in Federal

custody were under age 30, compared to less than 18 percent of White inmates (Table 2). Another one third of Black inmates were between the ages of 31 and 40 years old, which meant that over two thirds of Black inmates were under age 40. This compared with less than one half of White inmates who were under age 40 years of age. Since the median age for Federal inmates is 37 years, this meant that a large majority of Black inmates were under the median age for the population as a whole, while most White inmates were above the median age.

Table 2: Number and Percent of Sentenced Federal Inmates by Age, Race and Ethnicity in a Federal Facility on December 31, 1997.

		White Non-Hispanic	Black Non-Hispanic	Hispanic	Other Non-Hispanic	Total
Age Less 30 years	Number	5,132	15,448	6,436	917	27,933
	Percent	17.6%	42.7%	28.1%	33.8%	30.8%
31-40	Number	9,376	12,838	8,683	958	31,855
	Percent	32.1%	35.5%	28.3%	35.3%	35.1%
41-50	Number	8,736	5,844	5,166	585	20,331
	Percent	29.9%	16.2%	22.8%	21.5%	22.4%
51-60	Number	4,416	1,599	1,879	184	8,078
	Percent	15.1%	4.4%	8.3%	6.8%	8.9%
Age Over 60 years	Number	1,534	414	527	70	2,545
	Percent	5.2%	1.2%	2.0%	0.6%	5.2%

Source: Federal Bureau of Prisons, SENTRY system.

This difference in the age balance within groups is especially significant because age has been consistently shown to be strongly related to misconduct. A recent meta-analysis of 39 studies on prison misconduct done between 1940 and 1995 found age of the inmate to be one of the strongest predictors (Gendreau, Goggin, and Law, 1997). In the research literature, debate has centered on the causes of misconduct rather than the type of inmate most likely to engage in misconduct. The most thoroughly documented relationship is the finding that gender and age are consistently related to prison misconduct, with younger, male inmates much more likely to be

involved (MacKenzie, 1987). Flanagan (1980) noted that, "A remarkably consistent finding in research on prison misconduct (as in research in criminal behavior generally) is the inverse relationship between age and involvement in rule breaking". Prior criminal history, defined in a wide variety of ways, has also been consistently found to be related to misconduct. Such measures as number of prior arrests, convictions, or incarcerations, history of violence, and seriousness of current or past offenses have all been significantly related to prison misconduct (Flanagan, 1983; Proctor, 1994; Shields and Simourd, 1991). The results for race and ethnicity have been more mixed. In some studies, Black or Hispanic inmates appear more likely to engage in misconduct, while in others they are less likely or not significantly different from Whites (Finn, 1995; Wright, 1989). These results have been born out in recent research on misconduct in Federal prisons (Innes, 1996, *in press*).

Rates of Misconduct in the Federal Prison System

The annualized rates of misconduct by age and race or ethnicity for calendar year 1997 also show that age is the stronger predictor. These figures have been developed by taking every inmate who was in custody at the end of 1997 and computing a misconduct rate by counting all of their misconduct incidents during the previous twelve months. An annualized rate is one in which an adjustment has been applied to correct for the effect which any inmates who were not in custody the entire twelve months may have on the rate.

The rate of misconduct for inmates in custody at the end of 1997 over the previous twelve months was 479 per 1,000 inmates (Table 3). The rate for Black inmates appears to be noticeably higher and was 580 per 1,000, compared to 415 per 1,000 White inmates and 393 for Hispanic inmates. However, an examination of these rates broken down by age reveals that the difference is largely a product of the age distribution within these racial or ethnic groups.

The misconduct rate for Black inmates under age 30 is 736 per 1,000 compared to 702 per 1,000 White inmates and 620 per 1,000 Hispanic inmates. However, because of their greater numbers, younger Black inmates still contribute a far larger *number of incidents*. While their rate of misconduct is only slightly higher than White inmates, Black inmates still had many more incident reports—11,362 in 1997 versus 3,603 among the smaller group of White inmates under age 30. This difference, in the number of misconduct incidents versus the rates of misconduct, may have helped

reinforce the perception that some groups were more difficult to manage than others.

Table 3: Total Number of Misconduct Incidents and the Annualized Rate Per 1,000 inmates of Misconduct during 1997 by Race, Ethnicity, and Age for Sentenced Federal Inmates in a Federal Facility on December 31, 1997.

Race/Ethnicity and Age	Total Number of Incidents	Rate per 1,000 Inmates
White, Non-Hispanic	12,112	414.9
Age 30 or less	3,603	702.1
Older than 30	8,509	353.6
Black, Non-Hispanic	20,976	580.3
Age 30 or less	11,362	735.5
Older than 30	9,614	464.5
Hispanic	8,926	393.3
Age 30 or less	3,992	620.3
Older than 30	4,934	303.5
All age 30 or less	18,957	701.7
All older than 30	23,057	377.9

Source: Federal Bureau of Prisons, SENTRY system. Other race, non-Hispanic are not shown, but are included in the totals.

While this perception was incorrect for most serious misconduct, it did have some basis in fact for some types of less serious incidents (Table 4). The pattern of misconduct rates for violence generally follow those for misconduct over all. That is, a comparison of rates per 1,000 when broken down by age categories reveals that most of the differences between racial or ethnic groups in terms of misconduct rates are a product of the age balance within each group. For the most serious violence, such as homicide, aggravated assault, and weapons offenses, the differences in the offense rates between age groups is more important than between racial or ethnic groups. Similarly, less serious violence such as simple assault or fighting also is higher for inmates under age 30, whatever their race or ethnicity.

One exception to this generalization is the higher rates of misconduct among Black inmates for such offenses as refusing an order from a staff member, failure to perform work duties as assigned, and insubordination. While rates for this class of misconduct are higher for younger inmates, they remain noticeably higher for Black inmates in both the younger and the older age groups. Again, this difference may also contribute to staff perceptions that a more difficult type of inmate exists even when it does not translate into higher misconduct rates for the most serious types of offense such as violence. Here, it is possible that these higher rates for refusals and insubordination are the product of the values and attitudes inmates hold which cause them to behave in ways that are more confrontational and uncooperative.

Table 4: Annualized Rate Per 1,000 inmates of Misconduct for Selected types of Misconduct during 1997 by Race, Ethnicity, and Age for Sentenced Federal Inmates in a Federal Facility on December 31, 1997.

Race/Ethnicity and Age	Rate per 1,000 Sentenced Inmates		
	Most Serious Violence	Simple Assaults	Refusals and Insubordination
White, Non-Hispanic	17.9	64.0	64.0
Age 30 or less	16.3	67.4	123.3
Older than 30	8.4	31.6	51.4
Black, Non-Hispanic	64.6	141.6	141.6
Age 30 or less	20.8	75.8	186.0
Older than 30	13.2	56.3	113.7
Hispanic	9.8	49.7	70.0
Age 30 or less	14.0	81.4	123.3
Older than 30	8.2	37.2	48.9
All age 30 or less	18.4	75.5	159.2
All older than 30	10.0	41.5	71.9

Source: Federal Bureau of Prisons, SENTRY system.

The Survey of Federal Inmates Under Age Thirty

To collect information on some of these issues, a survey was conducted focusing specifically on younger inmates. In October, 1997 a representative sample of male inmates under age 30 and incarcerated in a medium level security facility was drawn using a stratified, multistage design by selecting one medium level security male institution from each region and sampling from a complete list of all male inmates under age 30 in that institution on a given day. Local staff arranged to call out the selected inmates and supervised the administration of a questionnaire to small groups. Of the six institutions selected, one was unable to participate for administrative reasons. The remaining five institutions had an average response rate of 86% for the survey. The total response rate for the survey, including the non-participating institution, was 75% overall. A total of 291 completed and usable questionnaires were returned for editing, data entry, and analysis.

The final sample in the survey was, like the population they represented among male inmates under age 30 in medium security facilities, primarily Black. Of the 291 respondents to the survey, 58 percent reported they were Black, non-Hispanics. Most, 69 percent, had never been married and nearly half, 48 percent had less than a high school degree or GED. Before their incarceration, about half were working at a regular job—43 percent of them in unskilled labor and 49 percent in a skilled, blue collar job.

Inmates Values

One of the central questions the survey was designed to address was whether these younger inmates do or do not endorse pro-social values. Despite their often unfavorable reputation, these inmates appeared to express values which were noticeably conventional. The questions on values limited to three the number of response items the inmates could mark, forcing them to choose from among a longer list of items. There was little evidence in the questions directed at their values to indicate an essentially anti-social orientation. When asked, "If you could get out right now, which of these things would you most like to have?" inmates chose conventional goals (Table 5). Half said they wanted to be successful and over four out of ten mentioned family and work as things they would like to have. One in five mentioned helping people and going on with their education.

Table 5: Responses to the question, "If you could get out right now, which of these things would you most like to have?"

Like to have	Percent
Be successful/satisfied with life	50.3%
A good family life	45.8%
Job that pays enough to support family	44.1%
Spend time with kids	42.0%
Help other people	21.5%
Go on with education	21.5%
Money enough for good life	17.0%
Religious life	10.4%
Live with wife/girlfriend	9.7%
Have lots of sex	9.4%
Nice place to live	5.9%
Nice clothes, good car	3.5%
Have a lot of fun	3.1%
Pay back people who have hurt	1.7 %
A lot of excitement	.7%
Be with old friends, old life	.3%

Multiple response item, percentages add to more than 100%.

Given a choice between conventional goals and those associated with street life and attitudes, these inmates overwhelmingly chose the former. Only a few referred to a nice place to live, clothes, and having fun or a lot of excitement. Paying back people who had hurt them and being with old friends and getting back to their old life was seldom mentioned.

A similar pattern was evident in response to a question directed at the issue believed to be important in street culture, that of earning respect. When asked "Which of these things do you think does the most to earn a man respect?" few inmates endorsed street values in responding. The most common answer, chosen by 69 percent of the respondents was "If he has self-respect" (Table 6). Other common responses to this question include helping others, being trusted by others, being a

good family man, and staying out of trouble as things that earn a man respect. As in the previous question, few inmates endorsed those values associated with street culture. Responses such as "People do what he says", "People are afraid of him", and "He's a good fighter" were very rarely chosen.

Table 6: Responses to the question, "Which of these things do you think does the most to earn a man respect?"

Earn a man respect	Percent
He has self-respect	68.8%
Helps others	49.5%
People trust him	39.3%
He's a good family man	36.1%
He stays out of trouble	28.1%
Leads a religious life	20.4%
Reads., knows a lot	10.5%
Good at his job	9.5%
People know not to mess with him	4.6%
He has a lot of money	3.2%
His woman trusts him	2.5%
He dresses right, has nice things	1.8%
People do what he says	1.4%
He knows how to have a good time	1.1 %
People are afraid of him	1.1%
He is tough, a good fighter	.7%

Multiple response item, percentages add to more than 100%.

It is important to note in this context that, in endorsing pro-social or conventional values or attitudes, it is not necessary for an inmate to be *sincere*. Many inmates "play the game" with staff by telling them whatever they believe the staff wants to hear. The point is that the willingness of an inmate to endorse pro-social values or express pro-social attitudes gives the staff a starting point from which they can work with an inmate.

In recent years, the Federal Bureau of Prisons has been successful in using this approach as part of its drug abuse treatment programs and their use of cognitive-behavioral approaches. In this approach, inmates are confronted with the ways in which their past substance abuse, criminal activity, and anti-social behavior has harmed themselves and their families. Among the proposals which were made to deal with younger inmates entering the system, were ones to adapt this approach for use with them. An important question, therefore, was if this approach would be less effective with younger, more aggressive inmates if their outlook was essentially anti-social.

Inmate Attitudes

The attitudes these inmates hold, as opposed to the more general values they appear to endorse, has an influence on their program participation. In some of the speculation about younger offenders, it has been assumed that many of them have been socialized into a "street culture" that endorses the use of aggression, minimizes personal responsibility, and discourages feeling of remorse for antisocial behavior. To examine this possibility, three attitude scales were constructed from a number of true/false statements. Inmates who agreed with three or more of four related items were scored as "Yes" on the attitude scale while those who agreed with less than three were scored as "No" on that item.

Attitude Scale Items

Endorses using aggressive behavior--

If somebody disrespects you then you have to straighten them out.

People have to know just by looking at you that you can take care of yourself.

I learned early that the only way to protect yourself is to be ready to fight.

It's better to risk dying in a fight then back down and have everybody think you're weak.

Lacks an acceptance of personal responsibility--

I'm not a bad person, but I have had to do some bad things when the situation required it.
People who tell me I'm to blame for everything I've done, don't understand what my life has been like.

Nothing I do here is going to make any difference in the way I'm treated.

I may be a criminal, but that's because my environment made me that way.

Lack of remorse--

I've been blamed for a lot of things that really are not my fault.

I may have hurt some people in the past but there's nothing I can do about it now.

Anybody I ever hurt is probably over it by now, so I'm the only one who is left to suffer.

I really can't think of anything I've ever done that I feel sorry about.

Among this sample of younger inmates in medium security facilities, less than a third endorse the attitudes which have been associated with the street culture of "new" offenders. Overall, 22 percent of the respondents in this survey agreed with three or more of the items endorsing the use of aggression. About a third, 31 percent, showed a lack of acceptance of responsibility by endorsing three or more of those items. And very few, only 13 percent, displayed a lack of remorse by endorsing three or more of the items on that scale. Furthermore, the relationship of these attitude scales with responses to the values questions reported above is generally weak.

Another measure of adjustment, aside from program participation, is misconduct. Respondents were asked if they had been involved in misconduct since coming into Bureau of Prisons custody. They were asked if they had any misconduct ("shots") during that time and also if they had any for a serious violent offense. These include "100 level" shots for homicide, assault with a weapon, or aggravated assault, and "200 level" shots for fighting or simple assaults. More than half of these younger inmates reported having received a shot and almost a third said they had received one for a serious violent offense (Table 7).

Table 7: Had a shot for misconduct or had a shot for a violent misconduct by attitude scales for endorse the use of aggression, lack a sense of responsibility, and lack remorse.

Attitude scale	Any misconduct		Any violent misconduct	
	None	Yes	None	Yes
Endorse use of aggression	No	49.5%	50.5%	72.5%
	Yes	32.3%	67.7%	58.1%
Lacks sense of responsibility	No	46.9%	53.1%	74.3%
	Yes	42.2%	57.8%	57.8%
Shows lack of remorse	No	46.7%	53.3%	70.5%
	Yes	37.1%	62.9%	60.0%
Total		45.4%	54.6%	69.1%
				30.9%

Endorses aggression is significant at $p < .05$. Lacks sense of responsibility is significant for any misconduct only at $p < .05$. Shows lack of remorse is not significant.

The likelihood that an inmate has received a shot for any misconduct or any violent misconduct is related to some of the attitudes they endorsed. Inmates who endorse street attitudes

encouraging the use of aggression are more likely to report they have had a shot; about two thirds said they had received one, and over four out of ten reported having received one for a violent offense.

In Table 7, displaying an abdication of responsibility is related to having received a shot for any misconduct, but not significantly related to having received one for violence. Showing a lack of remorse for past anti-social behavior was not significantly related to misconduct.

Conclusion

Younger inmates, therefore, do not appear to conform to the description of them as aggressively anti-social. On the whole, the values they endorse are largely ones most Americans share. They focus on family or conventional definitions of success, like employment and education. It is from this starting point that staff can confront inmates with the contradictions between the values or attitudes they espouse, no matter how insincerely, and the behavior they display.

Inmates arriving in prison, particularly for the first time, are faced with a profoundly different situation than the one they faced on the streets. There is no reason to believe that all inmates are alike or that each one will react in a similar fashion to incarceration. Innes and Verdeyen (1997) argue that among violent or disruptive inmates there are distinct types, and that each will react differently to any attempt to control or alter their behavior with programs, treatment, or custody arrangements. In other work, the adjustment of an inmate has been related to coping techniques (Bonta and Gendreau, 1992; Sappington, 1996; Zamble and Porporino, 1988, 1990) and personality type or style (Van Voorhis, 1993; White and Jones, 1996). Rather than being just a matter of what an inmate "imports" with him or her when they arrive in prison, behavior will be a function of how they use what they have brought to deal with their new environment.

In a recent analysis that focused on adjustment of African American inmates to Federal prisons, Jackson and Innes (1997) argue that many of the characteristics of their behavior in prison can be related to their coping styles. Majors and Billson (1992) refer to this as the "cool pose", a presentation of self many African American men use to establish a male identity that entails behaviors, scripts, and physical posturing to convey a message of pride, strength and control. They argue that a cool pose helps these men adapt to their environment and neutralize stress. This method is sometimes automatic or unconscious and functions as a defense mechanism. At other times, it

may be more conscious or deliberate and represent the use of aggressiveness, both verbal and physical, as a coping technique. In the terminology of Anderson's (1994) essay on urban violence, the automatic use of cool pose typifies "street" individuals, but this style may also be used by those considered "decent" in the community. The latter, according to the author, may consciously decide to appear tough and manly as a defensive measure while on the street, but can behave in other ways in another setting.

Herein lies an avenue for intervention by those who seek to affect the behavior of offenders. This is because they do very often endorse pro-social values but sometimes express anti-social attitudes or act in anti-social ways. Programs such as those designed by the Bureau of Prisons that focus on criminal thinking patterns and lifestyles are intended to confront inmates with exactly these types of inconsistencies. The most effective strategies in dealing with inmates involve examining with them how the values and goals they endorse in a program conflict with the attitudes they express or the ways they act elsewhere (Elliot and Walters, 1991, 1997). As difficult as this turns out to be in practice, it is less daunting a task than would be altering their basic values or changing their personality.

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ALL TOO FAMILIAR Sexual Abuse of Women in U.S. State Prisons

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[SUMMARY](#) | [RECOMMENDATIONS](#) | [TABLE OF CONTENTS](#)

SUMMARY

This report examines the sexual abuse of female prisoners largely at the hands of male correctional employees at eleven state prisons located in the north, south, east, and west of the United States. It reflects research conducted over a two-and-a-half-year period from March 1994 to November 1996 and is based on interviews conducted by the Human Rights Watch Women's Rights Project and other Human Rights Watch staff with the U.S. federal government, state departments of corrections and district attorneys, correctional officers, civil and women's rights lawyers, prisoner aid organizations, and over sixty prisoners formerly or currently incarcerated in women's prisons in California, Georgia, Illinois, Michigan, New York, and the District of Columbia, which is the nation's capital.

Our findings indicate that being a woman prisoner in U.S. state prisons can be a terrifying experience. If you are sexually abused, you cannot escape from your abuser. Grievance or investigatory procedures, where they exist, are often ineffectual, and correctional employees continue to engage in abuse because they believe they will rarely be held accountable, administratively or criminally. Few people outside the prison walls know what is going on or care if they do know. Fewer still do anything to address the problem.

The United States has the dubious distinction of incarcerating the largest known number of prisoners in the world, of which a steadily increasing number are women. Since 1980, the number of women entering U.S. prisons has risen by almost 400 percent, roughly double the incarceration rate increase of males. Fifty-two percent of these prisoners are African-American women, who constitute 14 percent of the total U.S. population. According to current estimates, at least half of all female prisoners have experienced some form of sexual abuse prior to incarceration. Many women are incarcerated in the 170 state prison facilities for women across the United States and, more often than not, they are guarded by men.

The custodial sexual misconduct documented in this report takes many forms. We found that male correctional employees have

vaginally, anally, and orally raped female prisoners and sexually assaulted and abused them. We found that in the course of committing such gross misconduct, male officers have not only used actual or threatened physical force, but have also used their near total authority to provide or deny goods and privileges to female prisoners to compel them to have sex or, in other cases, to reward them for having done so. In other cases, male officers have violated their most basic professional duty and engaged in sexual contact with female prisoners absent the use or threat of force or any material exchange. In addition to engaging in sexual relations with prisoners, male officers have used mandatory pat-frisks or room searches to grope women's breasts, buttocks, and vaginal areas and to view them inappropriately while in a state of undress in the housing or bathroom areas. Male correctional officers and staff have also engaged in regular verbal degradation and harassment of female prisoners, thus contributing to a custodial environment in the state prisons for women which is often highly sexualized and excessively hostile.

No one group of prisoners appears to suffer sexual misconduct more than any other, although those in prison for the first time and young or mentally ill prisoners are particularly vulnerable to abuse.

Lesbian and transgendered prisoners have also been singled out for sexual misconduct by officers, as have prisoners who have in some way challenged an officer, either by informing on him for inappropriate conduct or for refusing to submit to demands for sexual relations. In some instances, women have been impregnated as a result of sexual misconduct, and some of these prisoners have faced additional abuse in the form of inappropriate segregation, denial of adequate health care, and/or pressure to seek an abortion.

One of the clear contributing factors to sexual misconduct in U.S. prisons for women is that the United States, despite authoritative international rules to the contrary, allows male correctional employees to hold contact positions over prisoners, that is, positions in which they serve in constant physical proximity to the prisoners of the opposite sex. Under the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), which constitute an authoritative guide to international law regarding the treatment of prisoners and are appended to this report, male officers are precluded from holding such contact posts.

However, since the passage of the Civil Rights Act of 1964, U.S. employers have been prohibited from denying a person a job solely on the basis of gender unless the person's gender was reasonably necessary to the performance of the specific job. In the absence of unusual circumstances, U.S. federal courts have been unwilling to recognize a person's gender as meeting this standard with respect to correctional employment. As a result, most restrictions on male officers working in women's prisons that predated the Civil Rights Act have been removed and, by some estimates, male officers working in women's prisons now outnumber their female counterparts by two and in some facilities, three to one.

As a matter of policy, Human Rights Watch supports U.S. anti-discrimination laws and has no objection per se to male officers guarding female prisoners. Nor do we believe that all male officers abuse female prisoners. However, we are concerned that the states' adherence to U.S. anti-discrimination laws, in the absence of strong

safeguards against custodial sexual misconduct, has often come at the expense of the fundamental rights of prisoners. Our investigation revealed that where state departments of correction have employed male staff or officers to guard female prisoners, they have often done so absent clear prohibitions on all forms of custodial sexual misconduct and without either training officers or educating prisoners about such prohibitions. Female officers have also sexually abused female prisoners and should, without exception, receive such training. However, in the state prisons for women that we investigated, instances of same-sex sexual misconduct were relatively rare.

Under both international and national law, states are clearly required to prevent and punish custodial sexual misconduct. The International Covenant on Civil and Political Rights (ICCPR) and the International Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention), both of which the United States has ratified, require state parties to prohibit torture and other cruel, inhuman, or degrading treatment or punishment and to ensure that such abuse is investigated and punished. The ICCPR further guarantees prisoners a basic right to privacy, which has been interpreted to preclude strip searches by officers of the opposite sex. These rights are further enumerated in the Standard Minimum Rules, which call on governments to prohibit custodial sexual abuse, provide prisoners with an effective right to complain of such misconduct, ensure appropriate punishment, and guarantee that these obligations are met in part through the proper training of correctional officers. In addition, the United States Constitution expressly protects prisoners from cruel and inhuman punishments and has been interpreted to accord prisoners limited privacy rights as well as to guarantee them access to the courts.

The United States is thus clearly bound under its own constitution to prevent and punish custodial sexual misconduct. It is equally bound by international human rights law to take these steps, although in ratifying the ICCPR and the Torture Convention, the United States attempted to limit its treaty obligations in ways that were particularly adverse to the elimination of custodial sexual misconduct. In Human Rights Watch's view, these efforts by the United States to shirk its full international human rights obligations are both bad policy and legally indefensible. Accordingly, we hold the United States to the full scope of the relevant obligations in each treaty.

Neither the nation's capital nor any of the five states investigated for this report are adequately upholding these international and national obligations. All five states and the District of Columbia do have prison rules concerning sexual misconduct, but they are often so vague as to be of little effective use. Rape and sexual assault or abuse, which should clearly be covered by these rules, often are not explicitly mentioned and must usually be read into vague prohibitions on "overfamiliarity" or "fraternization." Few prisons have express policies protecting the privacy rights of prisoners, and fewer still deal expressly with the impropriety of verbal harassment and degradation. While state departments of corrections will usually investigate employees suspected of the most egregious violations of prison rules that govern sexual misconduct, the officers frequently

are not punished in accordance with the seriousness of these crimes, and lesser offenses may not be investigated or punished at all.

The District of Columbia and all of the states investigated in this report, with the exception of Illinois, do expressly criminalize sexual misconduct that takes the form of actual sexual contact between officers and prisoners. In some states and the District of Columbia, a first offense of this sort is classified as a felony. In others, it is classified merely as a misdemeanor. But no matter how the offense is classified, state laws are rarely enforced, and when they are, they often carry very light penalties. States' failure to uphold their own laws regarding custodial sexual misconduct reflects their reluctance to prosecute such crimes, largely because of an ingrained belief, except in the most egregious cases, that the prisoner was complicit in the sexual abuse committed against her. In this sense, state officials still widely view criminal sexual misconduct as a victimless crime.

In Human Rights Watch's view, any correctional employee who engages in sexual intercourse or sexual touching with a prisoner is guilty of a crime and should be prosecuted to the fullest extent of the law. As discussed in the legal section of this report, the exact nature of the crime depends on the circumstances under which it is committed and, in particular, on the type and level of pressure the correctional employee exerts on the prisoner. Given the inherently unequal nature of the custodial relationship, however, some type of pressure on the prisoner should be presumed.

In many instances, the use of force by correctional employees to secure sexual relations from a prisoner takes the form of an offer of privileges or goods. Because prisoners are completely dependent on officers for the most basic necessities, the offer or, by implication, threat to withhold privileges or goods is a very powerful inducement. Even when the officer promises or supplies goods or benefits to the prisoner without any implied or perceived threat to her, it is still a more serious offense than if he bestows no goods or benefits at all. This stiffer penalty reflects the fact that prisoners, by definition, have limited resources and privileges, and thus the promise of such rewards always carries special weight.

Even in those cases where an officer engages in sexual relations with a prisoner absent any form of pressure or exchange, he should still be liable for a serious criminal offense. In prison, correctional employees have nearly absolute power over the well-being of prisoners and a corresponding obligation to ensure that this power is never abused. When an officer has sexual contact with a person in his custody, even without any overt pressure or exchange, he commits a gross violation of his professional duty. An inquiry into the victim's alleged consent to such conduct should be unnecessary to establish this professional breach or any other crime of custodial sexual abuse. Rather, the focus should be on the degree of pressure exerted by the guard or employee.

One of the biggest obstacles to the eradication of custodial sexual misconduct is its invisibility at the state and national level. In the Georgia and District of Columbia correctional systems, for example, it took class actions suits in 1992 and 1994, respectively, to make the problem of sexual misconduct visible outside the confines of the

correctional system itself. Only after being sued did the departments of corrections admit that the problem of custodial sexual misconduct existed in their facilities for women and that reforms were needed. Sexual misconduct is often so entrenched that, in those correctional systems where class action suits have not yet occurred or have only recently been initiated, such abuse is still largely an invisible problem or one that the respective correctional systems flatly deny.

The invisibility of custodial sexual misconduct, and hence its deniability, are further fueled by the failure of the states we investigated and the District of Columbia to establish credible internal grievance and investigatory procedures that do not expose complainants to retaliation or punishment. In virtually every prison that we investigated, we found grievance procedures that required the prisoner to confront informally the implicated officer before filing a formal grievance or that informed the officer of a complaint lodged against him while he was still in a contact position with the complainant. Both of these procedures exposed prisoners to retaliation by officers and routinely deterred them from filing sexual misconduct complaints.

Even if a prisoner succeeded in pursuing a complaint of sexual misconduct, we found that internal investigatory procedures, while they exist in all five states and the District of Columbia, were often fraught with conflicts of interest and a bias against prisoner testimony. At times, officers accused of sexual misconduct were assigned to investigate themselves. We also found that in almost every case of custodial sexual misconduct, correctional officials assumed that the prisoner lied and thus refused, absent medical reports or witnesses who were not prisoners, to credit prisoner testimony. Given the closed nature of the prison environment, and the reluctance of officers to testify against their peers, such evidence is often very hard to obtain. Thus, complaints of sexual misconduct can be extremely difficult to substantiate. In Georgia, which took steps to credit prisoner testimony more fairly, the investigation and punishment of sexual misconduct markedly improved.

Virtually every prisoner we interviewed who had lodged a complaint of sexual misconduct faced retaliation by the accused officer, his colleagues, or even other prisoners. In some cases, they also faced punishment by correctional officials. These punishments took the form of write-ups for sexual misconduct, the loss of "good time" accrued toward an early parole, or prolonged periods of disciplinary segregation. In other cases, officials did not overtly discipline prisoners but made use of administrative segregation, ostensibly a protective mechanism, effectively to punish them. Thus, prisoners who had committed no disciplinary infraction whatsoever were subjected to the same treatment as prisoners serving disciplinary sentences. In our view, no justification exists for punishing prisoners for sexual misconduct by officers or staff. Whatever penological benefit that may flow from such measures is far outweighed by their deterrent effect on prisoners who might seek to report such abuse.

As noted above, unless outside organizations or individuals are made aware of incidents of custodial sexual misconduct, complaints of such abuse are likely to be handled almost entirely from within the departments of corrections or even from within the given prison.

While most correctional systems that we investigated did sometimes refer suspected criminal sexual misconduct to the state police, these referrals did not always occur, nor were they necessarily carried out promptly, with the result that crucial medical evidence may have been compromised. Moreover, once correctional officials referred such charges to the state police, this often had the unconscionable side effect of ending the departments' own internal investigations into the alleged misconduct. It is at this point in the investigatory process that serious allegations of sexual misconduct can escape the grasp of the prison administration. Often, prison administrators fail to deal appropriately with cases that are returned to them because the allegations do not meet prosecution standards. An employee who may not have been found to commit a crime, but who may nonetheless have violated prison rules, can thus escape punishment altogether.

Meanwhile, in cases of suspected sexual misconduct that authorities consider less than criminal, it is likely that no investigation outside of the prison facility will occur, whether by departmental investigators or the state police. Moreover, any investigation into custodial sexual misconduct at whatever level that does occur may not be recorded or monitored by any central authority. In fact, in no correctional system that we investigated, with the exception of Georgia's, did any such reliable centralized database of sexual misconduct, whether criminal or otherwise, exist. The absence of such a database makes it all the more difficult to monitor the incidence of sexual misconduct, to record the steps taken to remedy it, and to keep track of allegedly abusive employees or those who have been found to have violated prison rules and/or criminal law.

One obvious way to address the clear conflict of interest that exists when a department of corrections investigates itself is to establish independent monitors to oversee correctional facilities. However, in the correctional systems that we investigated, such independent oversight was virtually nonexistent. The District of Columbia, for example, pursuant to a judicial order resulting from the 1994 class action suit, was required to appoint a special monitor who would independently investigate and make recommendations to remedy sexual misconduct within the district's correctional system. But under an August 1996 circuit court decision, the special monitor's position was eliminated pending appeal. The state of Michigan does have a legislative corrections ombudsman who is mandated by the state legislature to oversee conditions in the state's correctional institutions. The ombudsman's investigatory and oversight powers are fairly limited, however, and under 1995 legislation, have been even further curtailed. To our knowledge, none of the other states that we investigated have any kind of effective mechanism for securing the independent monitoring of conditions within their correctional facilities.

Given the lack of independent mechanisms legally authorized to oversee the departments of corrections, nongovernmental monitors and private attorneys have become crucial players in the effort to expose and remedy custodial sexual misconduct. Unfortunately, few national or local organizations or private attorneys that focus on prisoners' rights consistently focus on the problem of sexual misconduct in women's prisons. Those that do face enormous obstacles. These independent nongovernmental monitors, including

attorneys, who investigate sexual misconduct often have unduly limited access to prisoners, are shut out of complaint or investigatory processes, are publicly attacked by correctional and even state officials, and find that their work with respect to other custodial issues can be compromised by their attempts to address this one. In addition, these groups and individuals uniformly face severe resource constraints which limit their ability to monitor departments of corrections and which have recently been exacerbated by the passage of the Prison Litigation Reform Act (PLRA), discussed below.

The PLRA, which was signed into law by President Bill Clinton in April 1996, has seriously compromised the ability of any entity, private or public, to combat sexual misconduct in custody. Among other measures, the PLRA dramatically limits the ability of individuals and nongovernmental organizations to challenge abusive prison conditions through litigation. The PLRA invalidates any settlement by parties to such a litigation that does not include a finding or statement that the prison conditions being challenged violate a federal statute or the U.S. Constitution. Because prison authorities never want to admit such violations in the consent decrees that frequently settle prison litigation without trial, such findings are extremely rare. The PLRA further arbitrarily terminates any court order regarding unlawful conditions or practices in a given prison after two years, regardless of the degree of compliance; this is often an unreasonably short time to achieve any meaningful change in the way a prison is operated. Thus, a new trial will usually have to be held in order to make a new finding that problems persist. Finally, the PLRA also restricts court-awarded attorneys' fees, which are the main income for prisoner rights attorneys, and severely limits the authority of federal courts to assign judicial officers to oversee prison reform, a key tool for implementing remedial court orders.

The passage of the PLRA removes the one effective external check on serious abuses such as those described in this report and increases the urgency of the need for states themselves to ensure that female prisoners in their custody are not being sexually abused or harassed by male staff in their employ. Where they fail to do so, the United States Department of Justice has the power to prosecute correctional officials who violate federal civil rights statutes. These prosecutions are difficult, in part due to stringent intent requirements, and are quite rare. In addition, the DOJ has the statutory right to investigate and institute civil actions under the Civil Rights of Institutionalized Persons Act (CRIPA) whenever it finds that a state facility engages in a pattern or practice of subjecting prisoners to "egregious or flagrant conditions" in violation of the constitution. Unfortunately, the PLRA is likely to have a chilling effect on the DOJ's oversight efforts, as well as those of private groups, and has already prompted the department to engage in an ill-advised review of all outstanding consent decrees to establish whether they should be terminated under the PLRA, regardless of whether a state department of corrections has yet filed such a request.

Even prior to the passage of the PLRA, the DOJ fell far short of its international and national obligations to protect against custodial sexual misconduct and to ensure that such abuse was appropriately

investigated and prosecuted. Currently the DOJ has no guidelines that stipulate when and how to launch CRIPA investigations into conditions at state prisons and has conducted few such inquiries. The only state that we investigated for this report in which the DOJ has launched a formal investigation under CRIPA is the state of Michigan. Unfortunately, the Justice Department has yet to file suit against the state despite its clear finding of sexual abuse of women prisoners by guards in Michigan's prisons and the fact that the forty-nine day period that the DOJ must legally wait after issuing findings before it can file such a suit lapsed well over a year ago.

Moreover, although the DOJ regularly receives complaints of custodial sexual misconduct, the department maintains no system for recording such complaints, nor does it systematically monitor the number of complaints concerning any particular institution or type of abuse. Absent such information, it is virtually impossible for the DOJ to ensure that it is fully aware of all the sexual misconduct problems that fall within its jurisdiction. Unfortunately, even if the DOJ were to take much-needed steps to monitor the problem of custodial sexual misconduct more effectively, it would still have to contend with serious budgetary constraints.

The tendency of the U.S. government to neglect the problem of custodial sexual misconduct in state prisons for women is perhaps best exemplified by its first report to the U.N. Human Rights Committee, which monitors compliance with the ICCPR. In the entire 213-page report, the problem of custodial sexual misconduct in U.S. state prisons for women is mentioned only once and then only to state that it is "addressed through staff training and through criminal statutes prohibiting such activity." This statement is at best disingenuous. At worst, it makes clear to the international community, to the people of the United States, to the state departments of corrections and the women they incarcerate, and to us, that the United States has almost completely abdicated its responsibility to guarantee in any meaningful way that the women held in its state prisons are not being sexually abused by those in authority over them.

Human Rights Watch calls on the United States to demonstrate its clear commitment to its international and national obligations to prevent, investigate, and punish custodial sexual abuse in U.S. state prisons for women and makes the following recommendations to the federal government and its constituent states, urging them to step up their efforts to acknowledge and eliminate this pressing problem. Recommendations specific to the District of Columbia and the five states investigated for this report appear at the close of each relevant chapter.

RECOMMENDATIONS

RECOMMENDATIONS TO THE FEDERAL GOVERNMENT

I. U.S. Congress

1. The U.S. Congress should pass legislation that requires states, as

a precondition to receiving federal funding for the construction and maintenance of state prisons and holding cells, to criminalize all sexual contact between correctional staff and prisoners and, as discussed below, to report annually to the DOJ regarding conditions of incarceration in their respective facilities.

2. The U.S. Congress should pass legislation that requires states to prohibit departments of corrections from hiring staff who have been convicted on criminal charges, or found liable in civil suits, for custodial sexual misconduct. The names and identifying information of such individuals should be maintained by each department of corrections, in a database that must be checked prior to hiring any correctional staff. This information should be collected by the DOJ data collection office, discussed below, for use by all states.

3. The U.S. Congress should appropriate the funds necessary to enable the DOJ to conduct increased and thorough investigations of custodial sexual misconduct and to enjoin prohibited conduct pursuant to CRIPA. These funds should also be used by the DOJ to create an office of data collection, mandated to keep track of complaints of sexual abuse on a state-by-state basis, to issue semi-annual reports regarding such complaints, to provide complainants with information about the mechanisms available to remedy such abuse, and to follow up with the relevant state departments of corrections or federal prisons regarding any issues of concern. The DOJ should be mandated to do outreach about this office to federal and state correctional facilities, prisoners, and other relevant actors, including through the publication of materials about the data collection office that could be posted within correctional facilities. The state-level independent review boards or other oversight mechanisms, discussed below, should also supply information on a regular basis to this office.

4. The U.S. Congress should revise certain provisions of the Prisoner Litigation Reform Act that severely limit the ability of prisoners, nongovernmental organizations, and the Department of Justice to challenge unconstitutional conditions in state correctional facilities. Those revisions, at a minimum, should include:

- repealing 18 United States Code Section 3626(a)(1), which requires that judicially enforceable consent decrees contain findings of federal law violations;
- repealing 18 United States Code Section 3626(b), which requires all judicial orders to terminate two years after they are issued; and
- restoring funding for special masters' and attorneys' fees to the levels that prevailed before the passage of the Prison Litigation Reform Act.

5. The U.S. Congress should engage in a review of the CRIPA procedures for certifying the grievance procedures of U.S. correctional systems to ensure that certified procedures will function effectively for complaints of custodial abuse.

6. The U.S. should withdraw the restrictive reservations, declarations, and understandings that it has attached to the ICCPR and the Torture Convention.

7. The U.S. Congress should introduce implementing legislation for the ICCPR and the Torture Convention such that persons in the United States could legally enforce the protections of these treaties in U.S. courts; or it should formally declare that both treaties are self-executing and thus capable of sustaining claims in U.S. courts without further legislation.

II. U.S. Department of Justice

Civil Rights Division

1. The U.S. Department of Justice, as a necessary step toward improving its responsiveness to sexual misconduct and the quality of its information about same, should establish a secure, toll-free telephone hotline to receive complaints of sexual misconduct by correctional staff and should publicize the existence of this service. The hotline should

- provide prisoners information about their rights and about nongovernmental organizations that they may contact for assistance;
- forward complaints to both the state officials and the Special Litigation Section and Criminal Section of the DOJ's Civil Rights Division;
- ensure confidentiality;
- be accessible under all circumstances, including times when prisoners are in segregation;
- be viewed as exercising the constitutional right to legal representation, and therefore be free from monitoring by prison officials; and
- extend its confidentiality to any written correspondence emerging from a prisoner's contact with the hotline.

2. The information collected through the hotline should be used to help compile the semi-annual reports of the office of data collection, suggested above.

3. The DOJ should formulate and issue specific, public procedures that detail its investigative process under CRIPA.

4. The DOJ should use the information contained in this report and information from other reliable sources to consider initiating additional criminal investigations under 18 U.S.C. Sections 241 and 242.

5. The DOJ should exercise its full authority under CRIPA to initiate, with the participation of its Office of Violence Against Women, investigations in the states examined in this report.

6. The DOJ should require states, as a condition of continued federal assistance, to report annually to the Civil Rights Division regarding conditions of incarceration in their respective correctional facilities.

Such reports should include, among other things, patterns of rape, sexual abuse, and other forms of violence against women. The DOJ should publish an annual report based upon this information.

7. The DOJ should appoint an attorney within its Special Litigation section responsible for overseeing all complaints of sexual misconduct lodged with the section.

National Institute of Corrections

The National Institute of Corrections (NIC) should develop standards akin to the U.N.'s Standard Minimum Rules, in order to provide national guidelines for the treatment of prisoners to ensure that state corrections procedure and practice comport with international and constitutional protections. One valuable contribution from the NIC would be the development of model grievance, investigatory, and training mechanisms to address in particular many of the concerns raised in this report. These procedures should be developed in close consultation with all relevant parties, including those nongovernmental organizations familiar with prisoner work, including with work on sexual misconduct in women's facilities.

III. Executive Branch

1. The U.S. should reinvigorate its efforts to secure ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the U.S. Senate for ratification, and after ratification, to include in its periodic compliance reports to the CEDAW Committee information regarding federal measures to eradicate the problem of custodial sexual misconduct in U.S. state, as well as federal, prisons.

2. The U.S. should include information on custodial sexual misconduct against women prisoners in its next report to the United Nations Human Rights Committee and in its first compliance report to the Committee Against Torture.

ISSUES FOR CONSIDERATION BY ALL STATE GOVERNMENTS

Most of the recommendations in this report are tailored to address the specific circumstances surrounding the problem of custodial sexual misconduct in each state. Nonetheless, based on our observations in these five states and in the District of Columbia, there are a number of critical cross-cutting concerns that merit urgent consideration by all states. Moreover, based on information that we gathered in the preparation of this report but did not investigate independently, Human Rights Watch is concerned that the problem of custodial sexual misconduct in state prisons, jails, and other custodial facilities for women exists in many states beyond the scope of this report. Accordingly, we call on all U.S. states to consider:

- the need to prohibit expressly sexual misconduct in custody in both the administrative codes for departments of corrections and, where appropriate, in criminal law, in fulfillment of international human rights prohibitions on cruel, inhuman, or degrading treatment

and punishment;

- the need, in every state, to set forth and enforce policies that secure privacy protections and protections against verbal degradation that are consistent with U.S. obligations under international human rights law, such as policies that limit strip searches, pat-frisks, and inappropriate visual surveillance of prisoners by employees of the opposite sex;
- the need for thorough training for all current and future correctional employees regarding sexual misconduct and cross-gender guarding issues and regarding the implications of international human rights treaties and federal and state laws for the conduct of each prison system and its staff;
- the need to reward correctional employees, and in particular deputy wardens and wardens, for taking clear action to prevent and punish custodial sexual misconduct and to sanction those who do not;
- the need to ensure that prisoners who are impregnated by corrections staff are not automatically subject to administrative segregation and that they receive timely and adequate medical care, including psychiatric counseling when requested;
- the need to ensure that prisoners who become pregnant as a result of custodial sexual abuse are not pressured in any way to undergo abortions;
- the need to prevent the hiring or rehiring of employees who have previously been fired or resigned from a job as a corrections employee pursuant to allegations of sexual misconduct;
- the need to establish accessible and effective grievance and investigatory procedures consistent with the right under the ICCPR, the Torture Convention, and the Standard Minimum Rules to file complaints of official misconduct without fear of retribution or punishment;
- the need to guarantee that such procedures would ensure, inter alia, confidentiality of the complainant during the period of time in which the officer is still potentially in contact with her, ensure that her name is not made available to the general population, and impartial investigations are conducted by persons other than the implicated officials, and include meaningful appeal mechanisms;
- the need to protect prisoners from retaliation by implicated officers;
- the need to refrain from directly or indirectly punishing prisoners for sexual misconduct and, in particular, to examine the inappropriate and de facto punitive use of administrative segregation to punish and/or intimidate prisoners involved in investigations of sexual misconduct;
- the need, consistent with the U.S.'s international human rights obligations, to ensure that those employees who engage in the sexual abuse of prisoners under their protection are punished to

fullest extent of the law;

- the need to ensure that independent monitoring groups, like many of those mentioned in this report, are able to investigate and evaluate the compliance of the state governments and the U.S. federal government with international human rights and domestic civil rights obligations; and
- the need to establish independent review boards or the equivalent of a legislative corrections ombudsman mandated to receive and investigate complaints of sexual misconduct, including from prisoners, and to provide information on the complaints by these independent entities received to the DOJ office of data collection suggested above.

TABLE OF CONTENTS

CONTENTS

ABBREVIATIONS

ACKNOWLEDGMENTS

I. SUMMARY AND RECOMMENDATIONS

RECOMMENDATIONS TO THE FEDERAL GOVERNMENT ISSUES FOR CONSIDERATION BY ALL STATE GOVERNMENTS

II. HISTORICAL AND LEGAL BACKGROUND

HISTORICAL BACKGROUND

The Characteristics of the Female Prison Population

Male Guards in Women's Prisons

Male vs. Female Prisoners: Disparate Treatment

PERTINENT NATIONAL AND INTERNATIONAL LAW

U.S. Law

The U.S. Constitution

The Eighth Amendment

The Fourth Amendment

U.S. Department of Justice

Criminal Enforcement: Title 18, U.S. Code, Sections 241 and 242

Civil Enforcement: C.R.I.P.A

Civil Enforcement: Title 42, U.S. Code, Section 14141

Prison Litigation Reform Act

Sexual Contact in Custody:

Federal and State Law

Access to the Courts and Grievance Mechanisms

International Human Rights Law

The United States' Non-Compliance

The Use of International Law

as an Interpretative Guide

Custodial Sexual Misconduct

as Torture and Cruel, Inhuman, and Degrading

Treatment

Custodial Sexual Misconduct:

A Violation of the International Right to Privacy
Custodial Sexual Misconduct and International
Rights
to an Effective Remedy
Training
CONCLUSION

III. CALIFORNIA
CONTEXT

Custodial Environment
State Legal and Regulatory Framework
National and International Law Protections

ABUSES

Rape, Sexual Assault or Abuse, and Criminal
Sexual Contact
Mistreatment of Prisoners Impregnated by Guards
Abusive and Degrading Language
Privacy Violations
Strip Searches
Inappropriate Visual Surveillance

Avenal

THE SYSTEM'S RESPONSE

Denial of an Effective Remedy
Grievance Procedure
Investigations
Lack of Confidentiality
Retaliation
Abuse of Administrative Segregation
Lack of Accountability to Prisoners
and External Monitors

Impunity

RECOMMENDATIONS

IV. THE DISTRICT OF COLUMBIA

V. GEORGIA

VI. ILLINOIS

VII. MICHIGAN

VIII. NEW YORK

APPENDIX: Standard Minimum Rules For The Treatment of
Prisoners

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The day I arrived I was...told that I was at Red Onion now and if I act up they would kill me and there was nothing anyone could or would do about it.

Inmate Statement to Human Rights Watch

RED ONION STATE PRISON: Super-Maximum Security Confinement in Virginia

- I. SUMMARY
- II. RECOMMENDATIONS
- III. RED ONION STATE PRISON
- IV. A DAY IN THE LIFE
- V. ADMISSION AND RELEASE
- VI. THE USE OF SEGREGATION
- VII. STAFF-PRISONER RELATIONS
- VIII. USE OF FORCE
- IX. ACKNOWLEDGMENTS



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I. SUMMARY	2
II. RECOMMENDATIONS	4
III. RED ONION STATE PRISON: BACKGROUND	5
IV. A DAY IN THE LIFE: BASIC CONDITIONS AT RED ONION	7
General Population	7
Segregation	9
Mentally Ill Inmates	10
V. ADMISSION AND RELEASE	11
VI. THE USE OF SEGREGATION	14
VII. STAFF-PRISONER RELATIONS	15
VIII. USE OF FORCE	17
Firearms	18
Misuse of Electronic Stun Devices and Other Abuses	21
IX. ACKNOWLEDGMENTS	24

I. SUMMARY

The treatment of inmates at Red Onion State Prison, Virginia's first super-maximum security facility, raises serious human rights concerns.¹ The Virginia Department of Corrections is responsible for safely and humanely confining all its inmates, even those deemed to be violent, disruptive or to pose other security risks. Like many corrections departments across the country, Virginia's has endorsed the confinement of purportedly dangerous inmates in extremely restrictive, highly controlled facilities. Absent thoughtful leadership and careful policies, the potential for human rights abuses at such "supermax" facilities is great. At Red Onion, unfortunately, the Virginia Department of Corrections has failed to embrace basic tenets of sound correctional practice and laws protecting inmates from abusive, degrading or cruel treatment:

- The Virginia Department of Corrections (DOC) is assigning to Red Onion men who are not the incorrigibly dangerous for whom super-maximum security confinement may be warranted. Inmates who pose no extreme security or safety risk are subjected to unnecessarily restrictive controls and are arbitrarily deprived of the activities and freedoms available ordinarily even in maximum security prisons. In a blatant effort to fill large super-maximum security facilities whose capacity exceeds the state's needs, officials are apparently planning to dilute even further the criteria for admission to Red Onion and its newly-opened twin, Wallens Ridge State Prison.
- Prison staff use force unnecessarily, excessively, and dangerously. Inmates are fired at with shotguns and have been injured for minor misconduct, non-threatening errors, or just behavior that guards have misinterpreted. These inmate actions should—and in most other prisons would—be handled by staff without weapons. Although physical force is never justifiable as punishment, inmates at Red Onion report staff's punitive use of electric shock stun devices.
- Conditions at the facility are unnecessarily harsh and degrading. General population inmates are confined in their cells more than twenty hours a day. In segregation, inmates are isolated twenty-three hours a day. All are subjected to remarkable levels of control and forced to live in oppressive and counterproductive idleness, denied educational, behavioral, vocational and work programs and religious services. These conditions exceed reasonable security precautions for inmates who have not engaged in chronically violent or dangerous behavior behind bars.
- Correctional officers and other prison staff threaten inmates with abuse and subject them to racist remarks, derogatory language and other demeaning and harassing conduct. Facility administrators and supervisory staff appear to condone such unprofessional conduct.

It is politically fashionable in many places to disregard mistreatment of inmates and to assume criminals by their conduct have forfeited all claim to public concern. Human Rights Watch (HRW) believes the public—and officials who are its servants—should not tolerate abusive treatment of prisoners solely because they have committed crimes against others. As one inmate at Red Onion wrote to HRW, "I don't pretend that prisoners are saints. Most can be real idiots, but their idiocy doesn't justify abuse, physical or mental."² We agree. Inmates must be treated with

¹ Human Rights Watch has reported on prison conditions and assessed the extent to which prisoners' internationally guaranteed human rights are protected in numerous countries including Brazil, Egypt, Hong Kong, India, Indonesia, Israel and the Occupied Territories, Japan, Mexico, Poland, South Africa, the former Soviet Union, Spain, Turkey, the United Kingdom, the United States, and Venezuela, among others.

²Throughout this report, we include information and quotes from the more than thirty inmates whom we have interviewed or from whom we have received written communications. To protect their privacy and to prevent the possibility of

respect for their dignity as human beings and for their fundamental rights, whatever their crimes. Sound correctional practice mandates such treatment, as it is essential to safe, orderly and humane prisons. But it is also required by international human rights treaties signed by the United States and binding on state as well as federal officials.

Even if it is politically difficult, state officials and elected representatives have a duty not to condone abusive prison conditions. The concerns raised about Red Onion warrant careful investigation and full disclosure. The public should be fully informed about policies and practices at Red Onion—as at any prison—and should be able to subject them to critique and debate. Unfortunately, the DOC uses the walls of Red Onion to keep the public out, as well as prisoners in. It routinely denies the press access to facility staff and provides scant information about practices and policies there.

In March it denied Human Rights Watch permission to tour Red Onion and to interview staff. The DOC claimed that security considerations precluded it from granting Human Rights Watch access to Red Onion. Security, however, has not prevented other state and the federal corrections departments from permitting Human Rights Watch access to their super-maximum security facilities. When pressed to justify his refusal, Director of Corrections Ronald Angelone simply asserted to Human Rights Watch in a telephone conversation that permitting us to tour Red Onion was not in the state's "best interest." He insisted that since Red Onion was operated consistent with state and federal law, there was no need for scrutiny by an independent human rights organization. The secretary of public safety, who has authority over the DOC, never responded to our letter of February 22, 1999 requesting reconsideration of Angelone's decision.

We believe Mr. Angelone interprets the state's interests too narrowly. As detailed below, there are many aspects of the facility that warrant public concern. Moreover, openness to scrutiny, information-sharing and engaging in informed, constructive discussions about policies and procedures are indispensable to continual improvement of operations in corrections as in any other public endeavor. The unwillingness to let Human Rights Watch tour Red Onion, coupled with the DOC's notorious reluctance to give the press access to the facility and its inmates,³ suggests the DOC is uncomfortable in letting the public acquire a fuller picture of operations there.

This report reflects our attempt to give the public some of that fuller picture about certain aspects of conditions at Red Onion. Our description is based on communication with inmates and their families, information from the DOC and from press accounts and other public sources. Unfortunately, it is incomplete and despite our best efforts may fail to reflect all conditions accurately, because the DOC has prevented us from directly observing the facility and has also refused to provide some of the information we requested.⁴

reprisals, we do not attribute information to specific inmates, nor do we identify any of our sources by name. We also do not include the names of individual officers identified by inmates as having engaged in abusive conduct. The purpose of our research into conditions at Red Onion has not been to "name names" or to document in detail individual instances of alleged misconduct by staff but to alert the DOC of the need to take more seriously its obligations to ensure humane conditions through appropriate policies, staff supervision, and internal disciplinary investigations and procedures.

³ There was widespread media attention in Virginia to the DOC's refusing Human Rights Watch access to Red Onion. Shortly thereafter, the DOC granted a reporter from *The Washington Post* the opportunity to interview the warden and speak with some inmates there.

⁴ A Human Rights Watch representative met with Gene Johnson, the DOC's deputy director of operations, and a representative from the DOC's legal staff on February 24, 1999. They were unable, however, to give specific answers to many questions about policies and procedures at Red Onion. The DOC responded to an initial document request by passing on a few department-wide policy statements; other information was denied, including a description of use of force policies and principles and a profile of inmates at Red Onion. We have still not received a response to a second request for documents sent on March 17, 1999 to Director Ronald Angelone.

II. RECOMMENDATIONS

There is great potential for misuse of authority and abuse in super-maximum security facilities. Informed and principled leadership and oversight can mitigate these dangers. We call on Virginia to demonstrate its commitment to respect international human rights in the operation of Red Onion. Specifically, we recommend:

1) Use of Force

The governor should establish a committee of experts in the use of force in prisons who are independent of the DOC to review use of force at Red Onion and to make recommendations based on their findings. The review should include an assessment of existing use of force policies, including the advisability and need to have firearms within the prison perimeter; training received by staff in use of force policies; the existence of adequate guidance for staff in appropriate use of force; and the extent to which internal investigation and disciplinary procedures are effective in controlling improper use of force. The committee should also review each incident in which weapons were discharged at Red Onion to ascertain whether the use of force was justified. Results of the independent review should be provided to the DOC, the governor and the legislature and the public.

2) Assignment to Red Onion

The DOC should not subject inmates to more restrictive conditions than is reasonably necessary for their safe, secure and humane confinement. Inmates should not be assigned to Level 6 (super-maximum security confinement) unless they have demonstrated that they are chronically violent or assaultive, present a serious escape risk, have demonstrated a capacity to incite disturbances or otherwise pose a serious and present danger to the orderly operation of a less secure institution. Length of sentence alone should not be the basis for assignment to a Level 6 facility.

Inmates who maintain good conduct for one year (or a shorter fixed period) should be eligible for transfer to a less secure facility absent particularized and serious security concerns. Decisions to retain inmates at Red Onion should be reviewed by central headquarters staff. If an inmate is retained at Red Onion, he should be given the reasons for that decision and told of specific steps he can take to secure a future transfer.

3) Public Reporting

The DOC should produce annually, and make available to the public, a statistical analysis of inmates at Red Onion and their security scores. For all inmates held at Red Onion who do not have the designated security score stipulated in DOC criteria for assignment to a level 6 facility or for whom the discretionary overrides have increased their security level by more than one level, the DOC should provide a detailed explanation of the reasons for placement at Red Onion (with inmate names withheld for privacy reasons).

4) Segregation

Specific criteria for placement in segregation at Red Onion should be established and communicated to inmates. Decisions regarding placement in and release from segregation should be reviewed by central administration staff to minimize the potential for arbitrariness and abuse and to demonstrate the seriousness of such placements. After a fixed period of good conduct, e.g. six months, inmates should be released from administrative segregation unless there is a specific finding, based on objective factors and following a hearing, that the inmate continues to constitute a serious danger to prison safety and security.

If inmates are segregated for their own safety, they should be provided the same privileges, programs and activities as general population inmates.

5) Programs, Privileges and Security

The DOC should carefully scrutinize policies regarding programs and privileges and routine security procedures for inmates to determine the extent to which the harsh regimen at Red Onion can be ameliorated without

jeopardizing legitimate security considerations. It should implement a system of increased programs and privileges and diminished security controls for inmates who maintain good behavior.

Programs should be implemented that will increase the humaneness of confinement at Red Onion and that will promote inmates' ability to be placed in a less restrictive facility and to adjust to prison life. Educational, vocational, behavioral, substance abuse, religious and other programming should be instituted consistent with legitimate security purposes.

6) Mental Health

The DOC should establish policies excluding from prolonged confinement in super-maximum security facilities inmates who suffer from serious mental illnesses. It should review the treatment of mentally ill inmates at Red Onion and take necessary steps to ensure they are provided adequate care and that all inmates receive the mental health screening and monitoring that is appropriate in extended control facilities.

7) Staff Issues

Red Onion staff should be trained in and continually reminded of the importance of proper, respectful treatment of inmates. Abusive conduct and displays of racism by staff, including derogatory remarks, should not be tolerated.

8) Public Access

Red Onion should be as accessible to the public as security permits. Policies should be established to grant the press, independent citizen groups and other members of the public ready access to Red Onion's warden to discuss conditions at the facility and should facilitate their ability to quickly secure interviews with inmates. Documents reflecting conditions at Red Onion should be readily available to the public, even if disclosure is not required under Virginia law. Information should be withheld only if its release would jeopardize security and with names deleted to protect privacy interests.

III. RED ONION STATE PRISON: BACKGROUND

In the mid-1990s, as part of a massive prison building effort launched by then-Governor George Allen, the DOC decided to construct two 1,200-bed facilities to house the state's most dangerous criminals, inmates who require extraordinary security measures. The first of the two identical super-maximum security facilities to come on line, Red Onion State Prison, located in remote Wise County, began accepting inmates in August 1998 and currently holds approximately 1,000.⁵ Ceremonies to inaugurate its twin, Wallens Ridge State Prison in Big Stone Gap, were held on April 9, 1999. Both facilities are Level 6, the most secure in the DOC's prison system. Little information was ever provided to the public to substantiate the projected existence of 2,400 chronically dangerous inmates in Virginia. The idea of supermax prisons was appealing—or at least tacitly unquestioned—in a "tough on crime" political climate in which parole was abolished and sentences lengthened.

In constructing Red Onion and Wallens Ridge, Virginia participated in a national trend. Across the country, corrections departments have chosen to create special super-maximum security facilities for the confinement of dangerous or disruptive prisoners.

Traditional prisons have had cells or units in which inmates who were repeat or very serious violators of critical institutional rules could be isolated and segregated from the general population. An inmate might be

⁵ Seventy of the inmates are from the District of Columbia, pursuant to a contract between the Virginia and District of Columbia departments of corrections.

segregated either as punishment following a disciplinary hearing (disciplinary segregation, in Virginia called isolation) or segregated administratively as a management measure for an indefinite period until authorities believed he could be safely returned to general population (administrative segregation). Although administrative segregation ostensibly is not a punitive measure, conditions have been almost invariably as harsh and restrictive as in disciplinary segregation.

Nowadays, segregation of inmates who engage in assaultive, dangerous, disruptive or escape-related or predatory behavior behind bars increasingly takes place in super-maximum security facilities, of which there are thirty-six in the U.S., including two in Virginia. Assignment to these uniquely restrictive facilities is ordinarily not based on the inmate's underlying offense but on his conduct behind bars. Although conditions and policies vary somewhat from facility to facility, their common characteristics are extreme social isolation, reduced environmental stimulation, scant recreational, vocational, or educational opportunities and extraordinary levels of surveillance and control.

Proliferation of these "supermax" prisons reflects in part the belief of some corrections professionals that they are necessary to prevent serious misconduct by the "worst of the worst" in their inmate population and that concentrating dangerous inmates away from the rest of the prison population makes it possible to provide safer, more secure facilities elsewhere.

But supermax prisons also play a symbolic role. Their highly restrictive nature is appealing in a conservative climate in which retribution is the principal response to crime. Unfortunately, this attitude can make it easy to uncritically embrace harsh conditions and policies that are in fact not justified by legitimate security needs or other penological purposes. It encourages or condones supermax placement of inmates who do not in fact require such restrictive controls for their proper management. It also can promote an indifference or blind eye to abusive conduct and a failure to adequately supervise staff and hold them accountable for abuse.

There is considerable debate even within the corrections profession over the cost, cost-benefit, operating and ethical/moral issues raised by super-maximum security confinement. The constitutionality of supermax isolation and other extreme restrictions remains unclear.⁶ Super-maximum security confinement also raises important human rights questions.⁷ Governments must respect the inherent dignity and basic rights of all people, including inmates. The United States has ratified international human rights treaties that are binding on state as well as federal officials. These treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), prohibit the abuse of prisoners, including treatment that constitutes torture or is cruel, inhuman or degrading. Additional international documents, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), provide authoritative guidance on how governments may comply with their human rights obligations with regard to prisoners. While super-maximum security confinement does not automatically violate protected human rights, it can if conditions are unnecessarily harsh, if prisoners are unnecessarily subjected to them, or if periods of solitary confinement are unduly long. Deprivations that are disproportionate to reasonable correctional goals are inconsistent with the fundamental touchstone of all human rights—respect for the inherent dignity of all human beings. Physical abuse—e.g. corporal punishment in the form of beatings or unjustified violence—is prohibited in a supermax as in any prison.

⁶National Institute of Corrections (NIC), *Supermax Prisons: Overview and General Considerations*, (Washington, D.C.: U.S. Department of Justice (DOJ), April 1999), p.2. The National Institute of Corrections is preparing a publication that will address legal issues raised by super-maximum security facilities.

⁷Human Rights Watch is currently researching an analysis of the human rights implications of super-maximum security confinement nationwide. See also: *Cold Storage*. Human Rights Watch, *Cold Storage: Super-Maximum Security Confinement in Indiana* (New York: Human Rights Watch, 1997).

IV. A DAY IN THE LIFE: BASIC CONDITIONS AT RED ONION

Red Onion houses inmates in both "general population" and segregation.⁸ Regardless of which category an inmate is in, he spends most of the day in a small cell: general population inmates spend about 140 out of 168 hours in a week confined to their cells; segregation inmates spend 162½ hours so confined. Inmates in general population are held two to a cell.⁹ In segregation they are single-celled.

The cells at Red Onion contain steel slabs with a thin mattress for a bed; a steel desk and shelf and a toilet/sink combination. They have solid metal doors with tray slots for passing food and handcuffing inmates and a piece of glass for viewing. The cells are configured so that inmates cannot see each other from their cells. Communication of sorts is possible by yelling. Each cell has a single narrow window that cannot be opened but which allows some natural light to enter. Windows facing the parking lots of the facility have been treated so inmates cannot see out. Inmates cannot regulate the lights in their cells. The lights shine sixteen hours a day. At night, they are reduced to a dim glow that is, according to inmates, bright enough to read by. The two inmates in each cell in general population share one electrical outlet.

Guards armed with shotguns are stationed inside the perimeter of the prison. There are gunports overlooking the recreation yard and in the housing units. Virginia's use of firearms is atypical: most states rely "on higher numbers of staff as their primary means of physical control, supplemented by a variety of nonlethal weapons."¹⁰

General Population

Conditions for general population inmates at Red Onion are remarkably harsh and restrictive, far more so than at maximum security facilities. Inmates are stringently limited in their movement, social interaction, access to programs and ability to make ordinary day-to-day choices. Certain aspects of Red Onion are, however, an improvement over supermax prisons elsewhere: inmates are allowed recreation in limited groups and also to eat together.

General population inmates are locked in the cramped cells twenty hours or more a day with another person. Double-celling exacerbates the strain of living in confinement most of the day and increases tension between inmates. Inmates find it difficult to spend most of their waking (and sleeping) hours in close quarters with a stranger.¹¹ The lack of privacy is unrelenting. The men find it humiliating to use the toilet in the presence of another person.¹² Double-celling is also inconsistent with the premise that inmates at Red Onion are so dangerous or violent that they cannot be safely confined elsewhere. If they are dangerous, how can it be safe to confine them in a small cell with another person? We do not know if DOC officials screen inmates placed in double cells to reduce the potential for conflict and violence.

⁸We understand that the facility is also supposed to have "transition units" but that many of the cells in the transition pods are being used for segregation.

⁹The predominant view in the corrections field is that inmates who are so dangerous or disruptive as to require being confined in their cells most of the day should not be double-celled. Virginia, like some other states, has nonetheless used double cells at Red Onion to save expenses. This is ironic, perhaps, given that many question the need for the combined number of supermax beds available at Red Onion and Wallens Ridge.

¹⁰NIC, *Supermax Prisons*, p.14.

¹¹Some inmates apparently pass on recreation simply to be able to have some time alone without their cellmates.

¹²According to inmates, toilet paper is rationed: two people receive two rolls that must last for seven days. "If you run out you're out of luck."

Inmates in general population are allowed out of their cells, one housing "pod" at a time, to eat in the mess hall. They are also allowed outside their cells in limited groups for one hour of outside recreation in a bare yard with a basketball hoop and one hour of indoor recreation daily. There is little or no athletic or sports equipment. The recreation yard is supervised by officers armed with shotguns. Inmates are also allowed to leave their cells three times a week for ten-minute showers. The showers do not have curtains or doors; inmates are thus forced to involuntarily expose their genitals to female staff as well as other men when they shower.

Maintaining contact with families is extremely difficult for prisoners at Red Onion. They are allowed two fifteen-minute calls per month if the privilege has not been removed because of misconduct. Telephone calls must be collect and are expensive, posing a financial burden for the mostly low-income families of inmates. Prisoners are allowed four two-hour non-contact visits per month. The amount of visiting time is particularly meager given that most inmates at Red Onion come from areas that are hours away.¹³ Inmates and their families visit in a small cubicle with a solid glass partition between them; conversation is through an intercom phone. During visits inmates are in leg shackles and waist chain, with one hand free.

Personal property is extremely limited, and only small quantities of reading material are permitted in the cells. Publications are permitted only with prior approval and only if purchased from an inmate's prison account. A family, for example, cannot give their son a subscription to *Time* magazine. Prison rejection of reading material is hard to fathom. One inmate has been denied *Plowshares* newsletter, a Catholic devotional booklet *Living Faith*, and an alternative newspaper, the *New River Free Press*. Incoming letters can be of any length, but there is a maximum of ten pages allowed for photocopied enclosures, which restricts an inmate's ability to receive information and maintain contact with the outside world.¹⁴

Inmates at Red Onion are denied the group and individual programs and activities available in most prisons, even though the DOC's policies acknowledge the importance of programming at all facilities. According to *Division of Institutions Operating Procedure (DOP) 832*, programming at Red Onion should "promote inmates' appropriate in-prison behaviors and coping skills and identify their inappropriate maladaptive behaviors. Programming may have the result of helping inmates develop positive, stable behavior records for eventual transition to a lower level facility."¹⁵ The policy identifies appropriate programming to include anger management, substance abuse, wellness, behavior management, impulse control, and basic academic programming. Seven months after Red Onion opened, most inmates' days are marked by forced idleness. The DOC told HRW in March that they were working on developing programs.

Currently, the only educational program available to inmates are GED (highschool equivalency) courses over the television. There are no group religious services or activities. Religious programs are also, apparently, limited to some television tapes.¹⁶ There are no vocational or skill training programs. Indeed, the physical plant of the facility contains no space for classrooms or workshops. Job opportunities are few, e.g., kitchen duty, sweeping housing units, cleaning showers. After seven months, the library is not yet operating.

¹³ It takes eight hours, for example, to drive to Red Onion from Richmond. Roanoke, the closest city, is almost four hours away by car.

¹⁴ In other words, an inmate can receive a hundred-page letter, but he cannot receive a one-page letter with fifteen pages of photocopied material enclosed.

¹⁵ VA DOC, *DOP 832: Programs*, August 1, 1998.

¹⁶ A Catholic inmate was denied access to a priest and the sacraments because it was deemed a "security risk".

Red Onion may lack programs because Director of Corrections Ron Angelone is dismissive of rehabilitation.¹⁷ "What are they going to be rehabilitated for? To die gracefully in prison?"¹⁷ Such comments may please part of the political spectrum, but they ignore several realities. Many Red Onion inmates will not be dying in prison. According to the Washington Post, one in five are scheduled for release in the next ten years.¹⁸ Rehabilitation programs serve the DOC's mission of promoting safe and orderly prisons. And, finally, rehabilitation is mandated by respect for the fundamental dignity of each inmate—whatever his crime.¹⁹

Segregation

Segregation is the modern form of solitary confinement; segregated inmates are almost completely deprived of the commonplace incidents and routines of prison life. In theory, administrative segregation is not a punitive measure. In practice, it can only be described as punishing. The more than 200²⁰ segregated inmates at Red Onion live in conditions designed to impose long-term social isolation and restricted environmental stimulation. Their world is austere, cramped and claustrophobic. Security procedures imposed on all inmates in segregation exceed those reasonably necessary for safety; their real purpose may be simply to intimidate and degrade. Prisoners' minimal physical requirements—food, shelter, clothing, warmth—are met, but little more. The facility offers nothing but bleak isolation to encourage or enable an inmate to return to general population or to enhance his ability to live peaceably once he has.

With minor exceptions, all of a segregated prisoner's waking hours are circumscribed within the four walls of his cell. He is fed in his cell, the food brought on a tray that is pushed through the door slot. He is allowed to leave his cell to shower three times a week. And he is permitted one hour of out-of-cell recreation five days a week. All the recreation is outside, rain or shine. Inmates are not provided with (or allowed to use their own) gloves or hats in cold weather nor to come inside early if the weather turns bad while they are out. The recreation yard is surrounded by two-story-high concrete walls and covered with a chain link grate. In an important departure from the practice at many super-maximum security facilities, at Red Onion segregated inmates are allowed to spend recreation period together three at a time. This interrupts the otherwise unrelenting isolation. Inmates in segregation are also allowed to leave their cells for visits.

Every time an inmate in segregation leaves his cell he is subjected to extreme security measures. First he must strip, permit a visual search of his body (opening his mouth, lifting his genitals, bending over and spreading his buttocks), and hand his uniform out the food slot to be checked. After dressing, he backs up to the door, extends his hands through the cuff slot and is cuffed. Shackles are then placed on his legs, and a lead is attached. Two officers then escort the inmate to recreation, the shower or wherever he is being taken, one holding the lead and one holding an electronic stun device (an Ultron II) against the inmate's body. The cuffs and shackles are removed for recreation and showers and then replaced to return the inmate to his cell. These extensive security measures are taken even for

¹⁷Margaret Edds, "Punishing Crime; 'Supermaxes' Deserve Super Scrutiny," *The Virginian-Pilot*, January 10, 1999.

¹⁸Craig Timberg, "At Va.'s toughest Prison, Tight controls," *Washington Post*, April 18, 1999.

¹⁹The ICCPR requires the "the reform and social readaptation of prisoners" to be the essential aim of any prison system. ICCPR, Article 10(3). According to the Standard Minimum Rules, prison systems "should utilize all the remedial, educational, moral, spiritual, and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners." Standard Minimum Rules, Article 59.

²⁰We do not have a precise figure for the number of inmates in segregation at Red Onion. We have been told variously that the figure is anywhere from 200 to over 300.

inmates with no records of violence and, apparently, will be utilized for however long an inmate is kept in segregation, regardless of his good conduct.²¹

Nurses employed by a private contractor make rounds in segregation every day, speaking with inmates through the cell doors to determine if medical attention is needed. A visit with a doctor cannot be scheduled unless the nurse decides it is necessary. If a doctor visit is scheduled, the doctor comes to the cell. After a routine search and restraints procedure on the inmate the doctor conducts the examination. At no time are the restraints removed, and the examination is conducted in the presence of guards, precluding any privacy.

The social isolation, the absence of stimulation, that segregated inmates at Red Onion experience is profound. For all but five hours a week they are cut off from all other inmates unable to see anyone other than staff who bring them their food or provide escort service or the fleeting periodic visits of medical staff or other prison personnel. There are no programs or activities other than the GED course or religious tapes on television. Inmates who are literate can read—if they can obtain books (there is no functioning library yet at the facility). They can write letters. If they are able to afford it, they may purchase a 5" (no bigger) television—which can be taken away for misconduct—and a radio. Their visits are restricted to one visit per week for one hour.

In many super-maximum security facilities across the country, segregated inmates are able to acquire additional privileges and freedoms through periods of good behavior or by completing program requirements (e.g., anger management or substance abuse courses). No such system exists at Red Onion. Inmates who maintain perfectly clear conduct records at Red Onion are subject to the same harsh regime as those who continue to violate disciplinary rules.

Social isolation and confinement in a small space can be physically and mentally dangerous and destructive to the persons subjected to it, particularly if endured for protracted periods.²² Even persons who are mentally healthy can be damaged or incapacitated in segregation and can lose their ability to function in ordinary settings, to govern their behavior and make positive choices, and to interact with other people. Prolonged confinement in isolation can also provoke symptoms usually associated with psychosis or severe disorders—including perceptual distortions and hallucinations, delusional states, hypersensitivity to external stimuli, difficulties with thinking, and panic attacks. Such symptoms can be provoked in healthy personalities, but prisoners who enter segregation with preexisting psychiatric disorders are at even higher risk of suffering psychological deterioration and psychiatric harm. The periods of recreation with other inmates undoubtedly offset the harm somewhat, but to an unknown extent.

Mentally Ill Inmates

Mentally ill inmates should not be confined for prolonged periods in super-maximum security conditions, particularly those that exist in segregation at Red Onion. The conditions of isolation, enforced idleness, surveillance

²¹ In some super-maximum security facilities, security measures are decreased for inmates who demonstrate good conduct over a period of time. Carrying stun devices during routine escort procedures is unusual and violates international standards. See Standard Minimum Rules, Article 54 (3), "Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use."

²² See, e.g., Human Rights Watch, *Cold Storage*: Haney, Craig and Mona Lynch, "Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement," *New York University Review of Law & Social Change*, XXIII, no. 4 (1997); *Mudrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995) (court rules super-maximum security confinement of mentally ill is unconstitutional as cruel and unusual punishment).

and control pose serious risks of aggravating their symptoms and precipitating psychiatric decompensation.²³ "Although some mentally ill offenders are assaultive and require control measures, much of the regime common to extended control facilities may be unnecessary, and even counterproductive, for this population," according to the National Institute of Corrections.²⁴

Inmates with serious mental illness are nonetheless sent to Red Onion and are housed both in general population and segregation.²⁵ Due to the DOC's non-cooperation we do not have reliable figures on the number of mentally ill inmates at the facility. One inmate told us that in his pod of twenty-two men, three were on psychotropic medication, and he thought at least two more acted in ways that, as a lay person, seemed to him to indicate mental health problems.

Proper mental health screening and monitoring are crucial for inmates sent to supermax confinement.²⁶ It is our understanding, however, that no special mental health evaluations are undertaken for each inmate sent to Red Onion. Nor, apparently, is there monitoring that would permit the prompt identification of new or exacerbated mental health problems and timely intervention.

Treatment of mental illness at Red Onion consists primarily of psychotropic medications. Once a week a psychologist checks in on inmates receiving medication. Privacy and confidentiality are nonexistent: the conversations take place at the cell front, with guards and other inmates listening. The visits are generally fleeting, consisting of a question "How are you doing, any problems?", and then the psychologist is on to the next cell. For inmates in segregation there is no therapy other than medication. Although placement in segregation is for an indefinite period and can last for years, mental health personnel have told inmates that because "this is a behavioral control unit, there is no mental health treatment here."

V. ADMISSION AND RELEASE

Physical conditions and policies at Red Onion were ostensibly designed with "superpredators" in mind—violent, incorrigible inmates who cannot be safely confined in less secure facilities. Yet it appears that the DOC has diluted the concept of who requires assignment to Red Onion. The DOC is in fact willing to send men there who could and should be housed in less restrictive environments. Every indication is that this trend will accelerate now that the state is also trying to fill Wallens Ridge. Governor James Gilmore stated on April 9, 1999 that felons caught with guns who qualify for a five-year mandatory sentence would be eligible for incarceration in Red Onion or Wallens Ridge. Public officials in Virginia thus appear to be adjusting supermax housing criteria not to reflect genuine security and management needs but simply to fill what would otherwise be half empty—but very expensive—facilities.

A basic premise of contemporary corrections is that every prisoner should be housed in the lowest security and custody level suitable for adequate supervision and the protection of staff, other inmates and the community. Indeed, the DOC operating procedures provide that "no inmate will be maintained in a more secure status than that

²³International standards provide that mentally ill inmates should be treated in specialized institutions under medical management. Standard Minimum Rules, Article 82 (1).

²⁴ NIC, *Supermax Prisons*, p. 13. "Extended control facility" is another term for "supermax prison".

²⁵DOC policy permits the placement of mentally ill inmates in Level 6 facilities with the exception of inmates with "severe" impairments. We do not know how the DOC defines "severe" in practice.

²⁶Human Rights Watch, *Cold Storage*. NIC, *Supermax Prisons*.

which his behavior, risk potential and treatment needs indicate.²⁷ Ensuring that inmates are not subjected to restrictions that are not reasonably necessary for safety or security is cost-efficient and consistent with common sense and legitimate correctional objectives. It is counterproductive to use supermax facilities for "inmates for whom lesser levels of control may be satisfactory [when to do so] may deprive them of freedoms, education, treatment, and work opportunities from which they could reap significant benefits and which may subject them to pressures detrimental to their physical and psychological health."²⁸

Avoiding the unnecessary use of supermax confinement is also dictated by fundamental human rights principles. As stated in the Standard Minimum Rules, prisons should be operated with "no more restriction than is necessary for safe custody and well-ordered community life."²⁹ To subject inmates to extremely harsh conditions depriving them of freedoms and privileges ordinarily available in prison without adequate justification constitutes treatment that violates the basic dignity of inmates and their right to be free of cruel, inhuman or degrading treatment. We do not consider the DOC's desire to fill expensive prisons a sufficient justification for sending men to Red Onion (or Wallens Ridge, for that matter) if they do not otherwise require stringent controls.

The DOC instituted a new six-tiered classification system in November 1998 and is currently reclassifying inmates under the new system.³⁰ Level 6 facilities—Red Onion and Wallens Ridge—are the most restrictive and secure. Inmate custody levels are determined through a scoring system that assigns points for such factors as history of institutional violence, severity of current commitment offense, escape history, length of time remaining to serve, and age, among others. According to the new classification procedures, assignment to Red Onion requires a score of thirty-four points or more. A discretionary override for certain factors is permissible that would increase (or decrease) the security level. (According to classification experts, discretionary overrides should only increase/decrease a security level by one class.) According to the DOC's Institutional Assignment Criteria, the profile of an inmate classified for a Level 6 facility is "disruptive, assaultive; severe behavior problems; predatory-type behavior; escape risks."³¹

Once an inmate has been sent to Red Onion he can be confined there indefinitely. DOC classification criteria provide that inmates must maintain at least twenty-four months with "no disruptive behavior" prior to consideration for a transfer to a less secure facility.³² There is no guarantee, however, that even maintaining clear conduct will enable an inmate to be reclassified to a lower security level facility and to be transferred from Red Onion. The decision is at the discretion of the warden.

²⁷VA DOC, DOP 823-4.0.

²⁸NIC, *Supermax Prisons*, p. 6.

²⁹Standard Minimum Rules, Article 27.

³⁰Most jurisdictions today have adopted objective classification systems by which prison authorities determine, based on an inmate's prior behavior and other relevant factors, the level of supervision and control the inmate requires. Length of sentence and even nature of commitment offense are factors that are considered, but they are by no means the sole factors. Indeed, although the public often is unaware of this fact, many persons who have committed serious crimes and who have long sentences are not dangerous or problem inmates, e.g., inmates who assault or prey upon other inmates or staff.

³¹VA DOC, *Institutional Assignment Criteria*, October 1998.

³²"Disruptive" is defined as conviction for the most serious disciplinary offenses, an attempt at one of these violations or a pattern of convictions that indicate "significant suitability". Ibid.

The DOC has not publicly released information on the statistical profile of the men who have been sent to Red Onion. We have not seen, for example, any summary of the classification results or other data on the institutional history and security and custody requirements of Red Onion's inmates. The DOC has stated that approximately 50 percent are there because of their behavior. We do not know whether those inmates have in fact accumulated the thirty-four points required in the classification system or have demonstrated that behind bars they are chronically violent or assaultive or otherwise severely threatening to the orderly operation of less secure institutions.³³ The DOC has not indicated, for example, how many have assaulted staff or inmates.

Several dozen men were sent to Red Onion when the facility opened to serve as a work "cadre" providing inmate labor. Although these inmates did not require Level 6 security, they have nevertheless been subjected to the same restrictions as all other inmates at Red Onion, and they do not have the privileges, freedoms, activities and freedom of movement they had at their previous facilities. The DOC told Human Rights Watch that it did not have a definite timetable for removing these men from Red Onion and returning them to more appropriate facilities, although this could possibly occur in the next few months.³⁴

Based on Mr. Angelone's comments as reported in the press, it appears that about half the population at Red Onion has been sent there simply on the basis of a lengthy (eighty-five or more years) sentence. We understand that men who enter the custody of the DOC with lengthy sentences are being sent directly to Red Onion from the receiving facility regardless of their security score.³⁵ We consider this practice indefensible, particularly in a state in which lengthy sentences are commonplace.

Mr. Angelone has stated, "[F]or such an inmate you don't need to find out if his behavior is good or bad."³⁶ This view is not shared by most of his profession. Indeed, corrections professionals know that many—perhaps most—inmates who have been sentenced to long prison terms even for violent crimes are not management problems. (Indeed, most inmates in prison systems are well-behaved; they want to do their time and get on with their lives.) The usual practice in many jurisdictions is to place inmates in the general population of maximum security facilities if they have been convicted, for example, of murder and have life sentences. They are then reclassified after a year or so, and depending on their behavior may be transferred to less restrictive facilities.

The decision to use length of sentence as a basis for assignment to Red Onion is particularly difficult to justify in the case of inmates who were already behind bars before Red Onion opened and who have demonstrated by their actual behavior that they are not violent or difficult inmates requiring the extensive controls of a supermax. Yet we have received various complaints from inmates in just this situation. One inmate with a life sentence, for example, had spent six infraction-free years in prison only to be transferred to Red Onion. One inmate told HRW that he was sent to Red Onion even though he had a classification score of eighteen and had gone years without any infractions. Another said he had been behind bars for twenty years on a life sentence and had no record of violent conduct, yet he too was sent to Red Onion. Another inmate told HRW he was sent to Red Onion even though he had an

³³We have noted a tendency in other jurisdictions with supermax facilities for prison officials to use them for nuisance inmates, for inmates who commit frequent but minor disciplinary infractions or others who do not reasonably require such extensive restrictions on their movement and activities.

³⁴HRW meeting with Gene Johnson at the DOC on February 24, 1999.

³⁵ The security-level classification procedures and criteria issued in October and November of 1998 contain a requirement that any inmate with more than twenty years to serve must be classified to at least a Level 3 facility. DOP 823 823-7.1. They do not provide for the automatic designation of persons with long sentences to a Level 6 facility. VA DOC. DOP 823.

³⁶ Laurence Hammack, "ACLU Questions Inmate Placement at Red Onion." *The Roanoke Times*, Jan 3, 1999.

"impeccable" institutional record. When he asked DOC personnel why he had been transferred "they merely told me because of the length of my sentence (life plus fifty years) and also because I was an 'in-fill' inmate. In other words, they did not have enough assaultive disruptive inmates in the prison system to fill Red Onion. They have lied to the public about the need for these prisons in Virginia."

That Virginia does not have enough inmates who have displayed dangerous conduct to fill Red Onion and Wallens Ridge should come as no surprise. Virginia has never had a particularly violent inmate population. In fiscal year 1997, the DOC had only 72 assaults on staff and 86 on inmates out of a total prison population of 28,034.³⁷ The total beds at Red Onion and Wallens Ridge constitute 6 to 8 percent of Virginia's projected prison population.³⁸ We are not aware of any DOC analysis that indicated such a high percentage of the state prison population could reasonably be expected to need super-maximum security confinement. On January 1, 1997, for example, Virginia had 852 inmates in administrative segregation, or 3.5 percent of its total prison population.³⁹

Before Red Onion opened, the DOC retained a national expert in classification systems, James Austin, to undertake a classification review of its prison population. The study analyzed such factors as history of institutional violence, severity of current and prior offenses, escape history, and institutional disciplinary records.⁴⁰ The study showed that while a relatively large number of Virginia inmates have been convicted of crimes that earn long sentences (in large part because of the abolition of parole), few engage in institutional violence or escapes. According to Mr. Austin, "Virginia does not have a prison population with high levels of assaultive behavior. It is the length of sentences that gives Virginia its high proportion of maximum security inmates."⁴¹ Austin's analysis showed that only .9 percent of male inmates who had been in prison a year or longer had prison histories of assault and battery with a weapon; only .7 percent had escape histories. Only 1.6 percent would be reclassified to maximum security because of institutional misconduct (as opposed to other factors such as severity of commitment offense).

VI. THE USE OF SEGREGATION

Traditionally, segregation has been a punitive measure imposed for a set period of time, after a disciplinary hearing, as punishment for misconduct. In Virginia, as in all other states, authorities are increasingly utilizing indefinite "administrative" segregation as a custodial management tool. Whether in disciplinary or administrative segregation, the conditions for inmates are essentially the same. Administrative segregation, however, provides prison administrators with much greater flexibility, and decisions to impose it are subject to little scrutiny from the courts.

³⁷VA DOC, *Offender Statistical Summary FY 97*.

³⁸ At one point, officials were predicting a total prison population of 40,000. Thirty thousand is now considered a more reasonable estimate.

³⁹ Camille Graham Camp and George M. Camp. *The Corrections Yearbook*, (South Salem, NY: Criminal Justice Institute, Inc., 1997) Virginia had the tenth-highest percentage of inmates in administrative segregation. The national average was 2.8 percent.

⁴⁰The DOC provided a copy of the classification analysis to Human Rights Watch in response to our request.

⁴¹Telephone conversation with James Austin, professor, Institute on Crime, Justice and Corrections, George Washington University, Washington, D.C. on April 14, 1999. According to the DOC's *Offender Statistical Survey FY 1997*, as of June 30, 1997 Virginia had a maximum security population of 34 percent of the prison system. The national average was 12.3 percent. The percentage of Virginia's inmate population in maximum security was the third-highest in the country. Camille and George Camp, *Corrections Yearbook*, p.16.

Because of the potential for abuse and the hardship on inmates, it is essential that careful standards and safeguards for the use of administrative segregation be developed and applied. The DOC's segregation policy does not enumerate clear criteria. It gives wide latitude to facility administrators to determine whom they choose to place in segregation, stating merely: "Examples of inmates assigned to segregation ordinarily include inmates presenting chronic behavior problems or those who present a serious threat to themselves or to others. They may be severe escape risks or seriously aggressive individuals."⁴² This statement would permit, for example, the placement in segregation of mentally ill inmates as well as nuisance inmates who are nonviolent but who repeatedly violate minor rules. It is our understanding that placement in segregation at another facility does not automatically mean placement in segregation upon transfer to Red Onion. Similarly, prior placement in general population is not a guarantee that transfer to Red Onion will be to general population there. The decision about whether an inmate is placed in segregation is made at the institution.

The DOC has not made public any information on the profile of inmates in segregation at Red Onion. We are aware of at least one inmate who does not meet reasonable criteria for being confined in prolonged social isolation with extreme security controls. Although a due process hearing is supposed to be held prior to assignment to segregation—and inmates may apparently grieve segregation decisions—the lack of any clear criteria preclude successful inmate challenges.

Segregation in Virginia is indefinite. DOC policies provide no guidance on permissible length of time in segregation. Inmates do not know what, if anything, they can do to secure their release to general population. While the DOC's operating procedure mandates periodic reviews of an inmate's placement in segregation, it does not specify criteria for guiding the institution's decision-making process. Nor does it affirm the goal of safely transferring inmates to lesser custody as soon as feasible.

During the first sixty days of confinement in segregation at Red Onion, an inmate is reviewed once a week by the treatment program supervisor who acts as the Institutional Classification Authority (ICA). After that the review is every thirty days. In practice, the "review" consists of a brief meeting at the cell door. The ICA makes a recommendation to the warden, who has final decision over whether an inmate will be released to general population. Inmates assert that they are not told and do not know what -- if anything -- they can do to hasten release from segregation. Inmates in theory can appeal the decision through the grievance procedure, but such grievances go nowhere.

Ordinarily, prison inmates prefer general population to segregation. At Red Onion, however, inmates find it a close call. Inmates in general population are double-celled, the amount of out-of-cell time in general population is not that much greater than for segregation, and in general population inmates are exposed to "trigger happy" guards. As one inmate wrote to Human Rights Watch, "Frankly, in many ways, it is safer to be in the segregation unit than in the so-called general population. Inmate on inmate violence virtually does not exist [at Red Onion]. Inmate on guard violence virtually does not exist here. Guard on inmate violence is high."

VII. STAFF-PRISONER RELATIONS

Conditions in super-maximum security prisons tend to foster unusually hostile relations between prisoners and guards. The simple fact that prisoners have been labeled the "worst of the worst" and are subject to extreme controls and have minimal and highly structured interaction with staff encourages correctional officers to view them in a dehumanizing way and to treat them more harshly.

⁴²VVA DOC, DOP 822-7.4: *Isolation, Segregation, and Detention*, April 16, 1992.

The quality of staff in a super-maximum security facility is, therefore, "the single most important factor in ensuring safe, secure, and humane operations."⁴³ In addition to personal qualities, it is important that the facility have a diverse workforce with an appropriate racial, ethnic and gender balance. "Racial and ethnic balance is critical in the minimization of anger, creation of perceptions of fairness, providing equity in interpersonal dialogue with under-represented inmate groups in the population, and maintaining cultural sensitivity."⁴⁴

The preponderance of inmates at Red Onion are black, and the staff is almost entirely white, drawn from the rural coal-mining area in which the prison is located. Many of the staff have family or community ties with each other. They have had little or no direct contact with blacks before beginning work at Red Onion.

We do not know what selection process or special training the DOC has provided staff at Red Onion. Inmates assert that many of the staff are respectful and professional. But they also describe some officers as determined to show "they can be badder than we are." These officers are quick to use derogatory terms and slurs, quick to use force, quick to impose their authority unnecessarily and capriciously. One inmate described to HRW the relations between staff and inmates as follows: "The guards are young—for the most part—and possess the mentality of juveniles—as do most of the prisoners—and they are into the macho mentality—as are most of the prisoners. The two do not mix well."

Tensions and misunderstandings perhaps inevitably arise from a clash of cultures in which both black prisoners and white staff hold misconceptions and believe in caricatures about the other. But in a well-run facility with appropriate staff selection, training and supervision, those tensions can be minimized and kept from escalating into provocation, confrontations and violence. Unfortunately, white and black inmates alike at Red Onion describe an atmosphere of pervasive and blatant racism. Inmates claim that officers routinely use such terms as "boy" and "nigger". One white inmate told HRW that an officer said to him, with reference to a black inmate with a reputation for sexual misbehavior, "What do you expect from a fucking nigger?" Another white inmate wrote to HRW that he had talked with an officer escorting him about a shooting. He described the officer as "so excited about being able to shoot 'niggers...'[H]e couldn't wait to shoot some of them black bastards." A black inmate wrote HRW the following:

One night...this sergeant on the mid-night shift knocks on my door. He stated that he had found my baby picture, and being that I was locked-up [in segregation unit] and my personal property was badly handled I asked for it. What he revealed was a computer like print out of a doctor holding a black male child by the feet with a very large penis.

Another black inmate wrote to a family member:

The treatment of brothers is inhuman and words alone cannot explain it. Imagine, if you can, creating an atmosphere of so-called criminals (mostly black) who is considered less than human, who has no outside support to hear his cry. Place him in an environment where he is governed by staff (all whites) whose only contact of blacks has been though media propaganda etc.

⁴³ NIC, *Supermax Prisons*, p. 16. "[S]taff should possess the characteristics of maturity, intelligence and good judgment, and—at least for custody positions—be physically capable of performing the rigorous duties required of them. They should be even-tempered, consistent, and capable of respecting diversity in the inmate population...a mismatch of skill, experiences, interests, and temperament can negatively impact the operation of the facility and can create a dangerous situation, [and] hinder the adjustment of the inmates to difficult conditions...." Ibid.

⁴⁴Ibid., p. 17.

A third black inmate describes staff-inmate relations as follows:

White guards constantly try to provoke black prisoners into physical altercations by calling them boys, hollering at them to get their attention, pointing the gun at their backs, threatening them. These guards have shot more black prisoners, more warning shots for the least little actions by black prisoners....

VIII. USE OF FORCE

Inmates learn the role use of force plays in the management of Red Onion as soon as they arrive:

When I was taken out of the transport van I had two stun guns placed against my body and was told that if I didn't do what I was told, I would be shot from one of the gun posts located throughout Red Onion. I was told by [a lieutenant], "We will kill you here, so don't mess up."

To date, nobody has been killed at Red Onion. But Red Onion is a facility that appears to be managed by reliance on the continual threat and actual use of physical force, including firearms, electronic stun devices, chemical sprays and restraints. From the information available to us, it seems that physical force is used unnecessarily and excessively at Red Onion. Inmates claim that they are shot at, shocked with electronic stun devices, beaten, and strapped down for trivial nonviolent actions, e.g., moving slowly on the yard, yelling in the cells, refusing to return a paper cup. Instances of use of force at Red Onion do not appear to reflect a realistic evaluation of the actual need for a particular level of force. One inmate described to Human Rights Watch the prevailing ethos at Red Onion in the following terms: "You will do as you are told, when you are told, how you are told, forever as long as you are told or you will be shocked, shot, beaten or otherwise maimed, injured or killed, do you understand, Boy?"

Some of these use of force incidents occur under the pretext of addressing legitimate security concerns but appear, in fact, to be calculated efforts to punish or deter misconduct—neither of which is a permissible reason for using force.⁴⁵ Similarly, we have been told of instances in which an application of force is initiated for legitimate reasons but then escalates to a level that is out of proportion to the objective risks presented by the inmate.⁴⁶

The use of physical force to control prisoners is an inevitable part of prison administration. Sound and widely accepted corrections principles sanctioned by law, however, mandate that force be used only when necessary, and

⁴⁵ Corporal punishment is prohibited by the U.S. constitution and international human rights treaties. As a noted expert on prisons and use of force has noted, however, "Physical force applied under the guise of a necessary security control tactic can be—and is—employed to circumvent the constitutional prohibition on such physical punishments." Steve Martin, "Sanctioned Violence in American Prisons," a chapter in the forthcoming John May, ed., *Building Violence: How America's Rush to Incarcerate Creates More Violence* (Sage Publications).

⁴⁶ One inmate speculated that much of the abuse of force is due to inexperienced officers. As he wrote to Human Rights Watch:

These "one-stripe" officers haven't the experience with prisoners, and problem solving is nonexistent. These guys are young and think they have a free hand in the use of force because superiors will back them up. They are looking for "action" and disregard any communication skills they may have learned. I have noticed that older "one-stripers" get more respect from inmates because they are not as cocky as the younger "one-stripers" and don't act as if they have to prove they are bad-asses. I often think that the younger c's [officers] come off as trying to be a bad ass because of fear. They have been told we're the meanest that Virginia has to offer and they are scared.

only to the degree necessary, to bring an inmate or inmates under control or to restore order to a facility.⁴⁷ The goal should be to minimize harm to inmates and staff by using the least amount of force that will be effective. Lethal force in particular, should not be used except as a last resort, when less life-threatening alternatives do not or cannot be expected to succeed and when there is an immediate threat of death or great bodily injury or dangerous escape.

A well-run prison with adequate numbers of trained and properly supervised staff and adequate policies should not have to resort to physical force as frequently as appears to be the case at Red Onion. The DOC has not released the number and kinds of use of force incidents that have occurred at Red Onion since it opened. It also refused to provide Human Rights Watch with a copy of its use of force policies. We thus do not know whether staff at Red Onion are following or ignoring DOC policies when they use force as the primary means of addressing inmate misconduct. Statements by DOC spokesmen suggest the DOC believes that at Red Onion breaking the rules—any rule—is sufficient justification for use of force, including use of firearms.⁴⁸ Such a discredited philosophy has no place in modern corrections.

Firearms

Most states prohibit firearms within prison facilities, even within super-maximum security prisons. As one noted corrections expert has stated, "While firearms are appropriate and necessary in the perimeter towers to deter escape, firearms are neither appropriate nor necessary within the prison yard, and are especially inappropriate within...housing units...[T]he use of firearms within prison walls increases, rather than decreases, the risk of serious injury or death to both inmates and staff...."⁴⁹ Mainstream American corrections has rejected the use of firearms within prison walls because they are almost always unnecessary—staff rarely need firearms to restore order, even when confronting prisoners who are fighting. It is also extremely difficult to shoot accurately at moving inmates, particularly under intense or traumatic circumstances.

Virginia is one of three states in the nation in which firearms are routinely carried or deployed within the prison perimeter.⁵⁰ At Red Onion, officers carry shotguns in the control rooms within the housing units and in gunports overlooking the recreation yard. The first shot is supposed to be a warning shot and is a blank. Live rounds are then utilized. Red Onion officers fire rubber pellet "stingers," rounds which are considered non-lethal although they can inflict injury, particularly if fired at close range or to the head. Inmates have claimed—but we have not been able to confirm—that the officers are also equipped with No. 8 birdshot.⁵¹ Shotguns firing birdshot are considered lethal weapons, even though birdshot is typically only lethal if fired at close range.

⁴⁷e.g., Standard Minimum Rules, Article 54 (1), "Officers who have recourse to force must use no more than is strictly necessary."

⁴⁸Frank Green, "7 Fighting Inmates Fired On; Most Wounds at Red Onion Minor," *The Richmond Times Dispatch*, April 7, 1999.

⁴⁹ Declaration of Charles Fenton provided in *Madrid v. Gomez*. Fenton is a retired federal warden and frequent expert witness for departments of corrections defending against prison conditions lawsuits. In *Madrid v. Gomez*, however, he was an expert for plaintiffs.

⁵⁰ California and Nevada are the other two. Firearms were introduced into Virginia's prisons by Director Angelone, who before coming to Virginia had been head of the Nevada Department of Corrections.

⁵¹ The DOC has not responded to our April 9 inquiry regarding the alleged use of birdshot.

According to the press, Red Onion officers fired their weapons 63 times in the nine months since the facility opened.⁵² Ten inmates have been injured. As of December, the rate of gunfire was five times that of the rest of the state's prisons combined.⁵³ The DOC claims most of the shots were warning shots. Reports from inmates and family members indicate that the level of gunfire may have slowed down after widespread negative publicity in December 1998⁵⁴ but that the frequency has picked up again. In March there were several incidents in which weapons were fired.

Anytime a firearm is discharged in the direction of a human being the potential for injury or death is unleashed. Because of the danger, use of force policies normally require that all reasonable means of apprehension and control should be exhausted before even "non-lethal" weapons are discharged. At Red Onion, however, officers discharge weapons in fairly routine non-threatening situations. The use of force policy appears to be: if an inmate disobeys an order, a warning shot is fired. If the inmate continues to disobey, the inmate is fired at.

Inmates believe they may be shot for talking over the wall that separates one recreation yard from another, for crossing the red line that is used to mark areas of permissible inmate presence, for leaning against a wall, for not moving quickly enough.⁵⁵ Whether true or not, this belief is fostered by staff. An attorney who visited a client at Red Onion recounted the following to Human Rights Watch: "When I was being escorted through the yard, the counselor noted some red lines painted on the concrete and told me that, if any inmate crosses a red line, he is shot. She said that as matter of fact as it she were telling me that they have lunch at noon."

The DOC has acknowledged described three instances in which staff fired shotguns at inmates during March 1999. According to press accounts based on DOC information, on March 5, three inmates were fighting in a recreation yard: they ignored an order to stop and ignored a warning round and further verbal warnings. The gun post officer then fired a total of seven rounds at the inmates' lower extremities. On March 17, an officer fired at the "lower extremities" of two inmates who were fighting in the segregation recreation yard who had ignored verbal warnings and a warning shot. March 25, 1999 two inmates were fighting in the recreation yard. After they ignored verbal warnings and a warning shot, an officer fired a stinger round at their "lower extremities". The inmates then stopped fighting but refused to follow an order to lie on the ground. The officer then fired another stinger round. One inmate had superficial wounds; the other inmate had pellets lodged in his face and had to be sent to a medical center.⁵⁶

What is remarkable about each of these incidents is the lack of any apparent justification for firing at the inmates or for failing to use lesser means of force to resolve the situation. Fights between unarmed inmates are commonplace, everyday occurrences in prisons; across the country such fights are usually quickly resolved through the simple intervention of unarmed staff. In the March 25 incident, the shots were fired not only to secure an end to

⁵² Craig Timberg, "At Va.'s Toughest Prison, Tight Controls," *The Washington Post*, April 18, 1999. See also, Frank Green, "7 Fighting Inmates Fired On," *The Richmond Times Dispatch*, April 7, 1999.

⁵³ Frank Green, "Inmates, Critics Question Firearm Use at Red Onion Supermax Prison," *The Richmond Times Dispatch*, December 24, 1998.

⁵⁴ One inmate told Human Rights Watch: "When the place first opened, they were shooting a lot of inmates for petty reasons or no reasons at all and beating up inmates right when they arrived. But there was some bad media coverage on this place so now it's pretty quiet here."

⁵⁵ One inmate wrote to HRW. "I have witnessed them shooting guns for no reason other than someone did not respond to an order quickly enough to suit them. In two months, in my pod alone...they have fired the gun three times—not one of those instances being to prevent or stop an assault."

⁵⁶ Frank Green, "7 Fighting Inmates Fired On." Inmates have also written to HRW describing these incidents.

the fight but to make inmates who were no longer fighting lie down on the ground. Staff in the yard could have intervened at that point (if not earlier) and obviated the need for additional use of firearms. The incidents also show how easily injury can result from the inaccurate shots that are almost inevitable in a volatile situation.

We quote below from letters inmates have sent us describing incidents which firearms were used at Red Onion.⁵⁷ In each case, there is no apparent justification for the force that was used.

- I witnessed another shooting incident...where the officer fired shots because inmates didn't go to their rooms fast enough to suit the officer. During this incident after firing the shotgun the staff then came in and picked at random people to lock up for no reason. They proceeded to handcuff and shackle these inmates, bodily carried them out by their arms and legs, took them to the pod next door, threw them in the floor face first and beat, kicked and shocked these inmates with stun guns.⁵⁸
- Today, another incident happened where there was again no probable cause to shoot their guns...D6-pod was outside for recreation and playing basketball, the inmates were struggling for the ball and one fell to the ground and all of a sudden [the officer who was in the kitchen tower] shot his gun and stated they were fighting. There were no punches thrown nor was there any inmate harmed and/or bruised. Also the guard in D0-1 tower shot his gun just for the sake of shooting.
- The entire D-6 pod was outside for recreation and [the officer] was stationed in D&C unit tower, he called completion of recreational period, in the process of inmates moving toward the unit, there were four and five inmates slowly moving from the card tables but they were off the white concrete platform and on the grass moving to building D. All of a sudden [the officer] shot the gun and then [an officer in another tower] sticks his gun out and shoots, therefore two-three shots was fired simply because inmate were not walking fast enough to their bldg.
- I and another inmate were on rec yard A-2&3 when an inmate on rec yard A-4, 5, 6 told us of an assault that was about to happen against another inmate. About fifteen minutes later we hear the assault/fight start. After ninety seconds to two minutes we hear a gun fired. As you know the first shot is supposed to be a warning shot. After the first shot no others are fired. We then heard officers enter the yard and handcuffs clicking as the three inmates are removed. When my rec time was over I was escorted back to my cell by [an officer]. The [officer] told me they knew about the possibility of the assault before hand and gave me an account of how it unfolded. He told me that they waited to fire the gun until one of the inmates was down and not able to fight anymore.
- While there I was shot at, or let's say a shot was fired because I was gathering my deck of playing cards. Instead of the 8:00 pm lock down it was called at 7:30 catching us off guard.
- [An inmate] was jogging around the yard, he was wearing closed headphones with walkman listening to a cassette while jogging. The order to move to the opposite side of the yard did not come over any loud speaker or megaphone device—it was a shouted order from a gun port. The man never heard the order. The first shot knocked him down. He jumped up not knowing why he was shot and was shot again. No one's life was in danger. No staff or prisoner was threatened by this man. In less than one minute he would have been on the other side of the yard where other prisoners would have gotten his attention. The man was jogging in a circle.

⁵⁷We have quoted verbatim the language used by the inmates, but have deleted names and corrected misspelling.

⁵⁸Ibid.

Had he stopped, turned around, and jogged in the opposite direction he would not have gotten to the other side of the yard any faster!⁵⁹

Inmates have also told Human Rights Watch about the following instances when weapons have been used unnecessarily:

- An inmate was shot for refusing to allow himself to be cuffed and taken from the shower. His ten minutes allotted shower time had expired but he had not finished showering. He finished before the order to shoot was given, but it was too late.
- An inmate had an asthma attack in the mess hall. His roommate bent over to help him. An officer started hollering—although it was hard to understand his words—and fired his gun a couple of times. Everyone lay down. The roommate was subsequently beaten and the asthmatic inmate kicked by officers.
- An inmate was in the recreation yard doing exercises. When the officers called the end of recreation, the inmate was not finished his jumping jacks and did not want to stop. Officers fired at him, although he was not hit.
- On the way to the shower a new arrival stopped to talk with an inmate in his cell. The officer told him to move on. He apparently did not move, or did not move fast enough, and he was shot at.
- An inmate waiting for the doors of his cell to be opened got some tobacco from another inmate nearby. An officer fired his weapon at him.
- Two inmates were fighting in their cell. An officer shot at the door to stop them.

Misuse of Electronic Stun Devices and Other Abuses

Uniformed staff at Red Onion carry electronic stun devices that give painful electric shocks either when pressed to the body (the Ultron II) or, in the case of tasers, through fired darts.⁶⁰ Inmates have asserted to HRW that they have been subjected to taser shocks when fully restrained and for a wide range of minor misconduct that poses no physical threat, e.g. verbal insolence. As alleged, the incidents suggest that electronic stun devices are being used as punishment, rather than for legitimate control purposes.

- One inmate told HRW that immediately upon arrival at Red Onion in September 1998, he and other inmates were told to strip and permit a visual body search, including by spreading their buttocks. Female staff were present—indeed one was taking a video of the proceedings—and the inmate was reluctant to do as ordered in front of them. A captain shot him with the taser in the presence of the warden, associate warden and a major. After the inmate had been tasered, the major screamed in his ear, "Boy, you're at Red Onion now" and then told the other officers to "get that nigger out of here." The inmate filed a grievance because he felt—correctly—that he should not have had to submit to a visual body search strip in front of female staff.

⁵⁹ DOC's version of incident reported by Frank Green, "Inmates, Critics Question Firearm Use at Red Onion Supermax," *The Richmond Times Dispatch*, December 24, 1998. The inmate who described the incident to Human Rights Watch noted that the press was unable to obtain a complete understanding of what happened because the DOC would not let them interview the inmates involved.

⁶⁰ A taser is an electrical gun that shoots darts up to a range of 15 feet. The darts can deliver up to 50,000 volts and temporarily incapacitate the victim. The extremely painful shock from a taser has been described as "resembling being hit on the back with a 'four-by-four' by Arnold Schwarzenegger." *Madrid v. Gomez*, 889 F. Supp. at 1175.

The inmate's grievance was denied. The warden acknowledged that a taser had been used because the inmate hesitated to strip and thus "was failing to obey instructions." The denial was upheld by the regional director without comment "based on the information provided." There was no effort to suggest that application of physical force was warranted by any possibility of danger or that non-physical efforts to persuade the inmate had been attempted and failed.⁶¹ The use of the taser appears more likely to have been a deliberate and malicious excessive use of force calculated to intimidate new arrivals to the facility.⁶²

In denying the inmate's grievance, Warden George Deeds stated that post orders at Red Onion permit females to work at any post—in this case, assignment to the video camera. It is widely recognized, however, that cross-gender strip searches violate inmates' individual dignity and right to privacy. The warden's policy at Red Onion ignores basic correctional principles and international standards prohibiting cross-gender strip searches unless in an emergency.⁶³

Other examples of the use of electronic stun devices that inmates have recounted to Human Rights Watch include:

- One man was shot with a taser while in his cell for refusing to return a paper cup when ordered to do so. Restraints were then placed on his arms and legs, securing and immobilizing him on his bed. (The use of four-point restraints is discussed below.)
- An inmate with a reputation for "pissing people off" was in his cell when he told an officer that he wanted to have sex with her. The officer tased him through the food slot.
- An inmate was tasered because he had his arm hanging through the food slot and did not remove it fast enough when told to do so.
- An inmate was kicking on his cell door because he wanted to make a phone call. An officer came and told him to be quiet. The inmate said, "Bring it on." Officers suited up for a cellextraction came to the cell front and told the inmate to cuff up. The inmate complied. After he was handcuffed, and while still in his cell, one of the officers then told him to step back away from the door and shot him with a taser.
- An inmate in segregation was kicking on his cell door and yelling. A sergeant told him that if he "didn't stop kicking they'd fix it so he couldn't kick no more." The inmate kicked and yelled a bit more and then stopped. A team of officers suited up for a cell extraction came to his cell door and asked if he would cuff up. When he refused, the officers sprayed him with mace and tased him. They then entered his cell and restrained him. The inmate claims that after he was on the ground, handcuffed and not resisting, he was shocked twice

⁶¹ Copies of the inmate's grievance and official responses are on file at Human Rights Watch.

⁶² Other inmates also described to HRW the treatment they received upon immediate arrival at Red Onion, including being yelled at, threatened, and shoved, all in an atmosphere calculated to impress upon them that they were "at Red Onion now."

⁶³ American Correctional Association (ACA), *1998 Standards Supplement*, (ACA: Laurel, MD, 1998), Standard 3-4186, p. 29. General Comment 16 to Article 7, "Compilation of General Recommendations Adopted by Human Rights Treaty Bodies," U.N. Document HRI/GEN/Rev.1, July 29, 1994. (So far as personal and body searches are concerned, effective measures should ensure that such searches are carried out in a manner consistent with the dignity of the person who is being searched. Persons being subjected to body searches by State officials, or medical personnel acting at the request of the State, should only be examined by persons of the same sex.) Most courts have recognized that inmates should be protected from unwarranted intrusions on their privacy by guards of the opposite sex. See, generally, Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*, (New York: Human Rights Watch, 1996), pp. 28-30 and *passim*.

more. He was then placed in a shower, which is the proper procedure after use of a chemical weapon subsequently put in a strip cell with no mattress for twenty-four hours.

In this incident, the taser was used as part of a cell extraction, a use of force procedure in which a team of officers forcibly restrain an inmate and remove him from his cell. Staff at Red Onion—as at any prison—are entitled to let inmates know that rules cannot be ignored without consequence and to enforce prison rules through disciplinary procedures. Cell extractions are security measures, not disciplinary mechanisms, and they should be used only because of an imminent serious risk to the safety and security of the institution. When cell extractions are used to respond to relatively minor infractions that do not present imminent security risks—as would appear in the incident described above—staff are simply inflicting physical punishment under the guise of a security operation.

We have received a few complaints of beatings at Red Onion. One case was brought to our attention by several inmates: an elderly inmate reportedly threw a balled-up piece of paper at one of the sergeants, striking him on his pants leg. That officer and several others rushed into the inmate's cell and beat him so badly that he had to stay at a hospital for a couple of days. Upon his return he was placed in restraints.⁶⁴

Verbal threats are reportedly commonplace at Red Onion. For example, an inmate wrote to HRW that in January, some inmates were verbally “disrespecting the nurse” and she finally yelled loudly, “Shut the fuck up.” Several minutes later four officers came to the inmate’s cell, told him to cuff up, and then entered his cell. They pushed him down onto his bed, and one of the officers stated “that if I bothered the nurse again he will come back and break every bone in my body and if I think he was lying look into his eyes because he would eat my eyeballs out of their socket.”

Inmates also claim Red Onion staff abuse restraint equipment and strip cells, using them maliciously as punishment even though such use is prohibited. Four- and five-point⁶⁵ restraints immobilize an inmate on a bed. They should only be used in extreme circumstances—when an inmate left unrestrained poses a serious risk of injury to himself or to others and when other types of restraints are ineffective—and for no more time than is absolutely necessary.⁶⁶ Inmates assert, however, that staff at Red Onion place men in restraints as retaliation for misbehavior, e.g. throwing juice on an officer. “[E]veryone here knows it’s for punishment.” They also assert that inmates are kept in restraints for arbitrary time periods—eight hours, seventy-two hours—regardless of the inmates’ condition or the need for such control. Inmates have similarly complained that strip cells containing no furnishings, bedding or equipment are used as punishment. The degrading nature of unnecessary strip cell confinement is heightened by officers’ refusal to provide toilet paper when needed.

When an HRW attorney met with inmates at Red Onion, the inmates had to wear 50,000-volt stun belts even though they were shackled and handcuffed. They were told that if they stood up the belts would be activated by a remote transmitter. Prison staff felt the belts were necessary because the HRW representative was meeting with inmates in a room without presence of officers and with no physical barrier between her and the inmates. Given the restraints on the inmates and the presence of guards immediately outside the room who were watching the meeting through a window in the door, the use of stun belts seems excessive. One inmate believed they were used deliberately

⁶⁴Some of the inmates identified the precipitating event differently, e.g. that the beating followed the inmate’s refusal to return a cup from his food tray.

⁶⁵Four-point: arms and legs are secured. The fifth restraint used at Red Onion is a chest strap.

⁶⁶See Standard 3-4183-1 in ACA, *1998 Standards Supplement*. ACA, *1996 Standards Supplement*. (ACA: Lanham, MD, 1996).

to intimidate inmates who were speaking with HRW. An inmate who had wanted to meet with HRW did not because he was too upset by the prospect of wearing the stun belt.

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**Treating Violent Offenders:
A Review of Current Practices**

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TABLE OF CONTENTS

Executive Summary.....	2
Treating Violent Offenders: A Review of Current Practices.....	3
Heterogeneity of Violent Offenders.....	3
Contributions from Developmental Literature.....	5
Diagnosis and Co-Morbidity	5
Managing Violent Behaviour.....	6
Treatment Programs	7
Self-Regulation Strategies.....	8
Cognitive Processing Strategies	10
Treatment of Psychopaths	11
Assessing Treatment Gain and Outcome	12
Setting Characteristics.....	13
Staff Training Issues	13
Therapist Characteristics	14
CSC Initiatives.....	14
Matching Offenders to Programs (Differential Treatment)	15
Summary.....	17
What Do We Know?.....	17
What To Do? (Future Directions)	17
References	19
Acknowledgements	30

Executive Summary

Advances in the assessment of violent and high risk offenders have yet to significantly impact on intervention strategies. In addition, despite increased concern regarding violent criminals, the published literature on their treatment is very small. Recent studies which show some improved methodology support the finding that offenders who participate in cognitively-based treatment programs with skills practice components show post-treatment gains. However, these gains have yet to be demonstrated to significantly effect recidivism rates. Further, the literature is hindered by lack of a cohesive theoretical model, problems in defining violent offenders, and over-reliance on self-report indices of treatment gain. Current programs appear sufficiently contemporary to meet the needs of many violent offenders, although improved methodology and empirical validation are required. These existing programs, however, fail to address, specifically, the needs of persistently violent offenders.

Progress in the areas of treatment of sexual offenders and substance abuse has direct application to the treatment of violent offenders. This literature illustrates the importance of matching offenders to the appropriate level of intervention and providing a continuum of intervention from intake to community follow-up and supervision. Additionally, research on persistently aggressive individuals indicates that their cognitive style or aggressive beliefs are important antecedents to violent behaviour and a critical treatment target. Innovation in strategies for the assessment of such deficits and offenders' response to intervention appear to be important in the development of a treatment program for persistently violent offenders. The next requirement is to develop such a program, heeding the aforementioned conclusions.

Treating Violent Offenders: A Review of Current Practices

As assessment strategies for the identification of violent and high risk offenders gain prominence and sophistication (Harris, Rice, & Quinsey, 1993; Steadman, Monahan, Robbins, Appelbaum, Grisso, Klassen, Mulvey, & Roth, 1993), consensus regarding effective intervention remains obscured by problems in definition and methodology (Blackburn, 1993). While this situation should be disconcerting, it is not unique (Quinsey, Rice, Harris, & Lalumiere, 1993), nor should it be interpreted to mean that treatment programs for violent offenders are ineffective. The purpose of this review is to highlight important research which has led to our current level of understanding and to delineate issues that might facilitate progress in this area.

It should be noted that several key reviews must be cited as they provide a detailed understanding of treatment issues for offenders. Rice, Harris, Quinsey, & Cyr (1990) provide an exhaustive review of relevant treatment targets for mentally disordered offenders and their work bears directly on the issue of treating violent offenders. Further, their emphasis on problem identification (Rice & Harris, 1993; Rice, Harris, Quinsey, Harris, & Lang, *in press*) rather than diagnosis is particularly germane to the treatment of violent offenders given that violent behaviour is observed in many diagnostic groups (Reid & Balis, 1987). Blackburn (1993) also provides a detailed review of the assessment and treatment of violent offenders that extends themes presented by Howells and Hollin (1989) and Roth (1987).

In order to help frame questions for future investigations and to collate the literature, this paper will consider the following issues: heterogeneity of offenders; developmental programs; comorbidity concerns; management of offenders; self-regulation strategies; cognitive style; assessment of treatment gain and outcome measures; setting characteristics; staff training and therapist characteristics. The summary will then attempt to distill from the literature what can be concluded regarding the treatment of violent offenders and future directions.

Heterogeneity of Violent Offenders

What immediately becomes apparent in completing a review of the literature on the treatment of violent offenders is the heterogeneity of this group (Blackburn, 1993; Rice, Harris, Quinsey, & Cyr, 1990). While efforts have been made to provide a typology based on offenses (Dietz, 1987) and detailed clinical reviews (Toch, 1969), recent conceptualizations suggest cognitive style may be more helpful in differentiating among violent offenders (Novaco & Welsh, 1989). Even after excluding sexual offenders and perpetrators of spousal abuse, considered to be relatively distinct groups, in an effort to achieve improved homogeneity, the remaining violent offenders vary according to skills deficits, motivational cues for violence, arousal level, emotional regulation, and impulsivity¹. These distinctions need to be considered theoretically in the development of intervention strategies and operationally in the application of admission criteria for treatment programs. In addition, much of the literature reflects work with adolescents and mentally disordered patients. While these findings are clearly relevant, incarcerated populations

¹ This is not to suggest these deficits are absent in sexual offenders or abusive males.

may have additional treatment concerns (Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990) or require intervention specific to correctional issues, e.g., the matching of risk and need to ensure programs are provided consistent with what is known about responsivity factors (Andrews & Bonta, 1993). That is, low risk offenders require less intensive intervention than high risk offenders (Andrews, Bonta, & Hoge, 1990).

Related to the problem of offender heterogeneity is how violence is defined. For this review, violent behaviour is considered the intentional and malevolent physical injuring of another without adequate social justification (Blackburn, 1993). It should be noted that this definition excludes self-injurious behaviour which is prevalent among offenders (Farrel & Mainprize, 1990); however, intervention for this group is beyond the scope of this paper. While threats and psychological injury are not included in this definition, this is not intended to mitigate their harmful effects on the victim. Within this definition there is provision for perpetrators to be anger-motivated or goal-oriented (Buss, 1961; Zillman, 1979). Anger is therefore not a prerequisite to offender violence (Novaco & Welsh, 1989), but is a common antecedent.

Summarizing problem-frequency surveys (Rice et al., 1990) indicate that mentally disordered offenders report anger to be a frequent concern, both within the institution (47%) and the community (75%). Further, retrospective reviews of offender's precursors to re-offense suggest anger is experienced often (52%) (Zamble & Quinsey, 1991). Pithers (1988) has provided similar data for rapists. While these findings are at best suggestive that anger is an important antecedent to criminality, it is clear that offenders frequently report anger to be an area of concern.

Hostility, however, is considered negative or distrustful beliefs about others and may also be antecedent to violent behaviour, but is not synonymous with violence. Megargee (1976) has proposed offenders differ in the extent to which they are overcontrolled or undercontrolled in their use of aggression, explaining why some violent offenders are typically unaggressive. Violence or aggression is considered to be stable over time (Olweus, 1979), and there is increasing evidence supporting early onset as an important prognostic (Moffit, 1993). Further, mediator variables have also been proposed: substance abuse (Goldstein, 1989; Pihl & Peterson, 1993); mental disorder (Monahan, 1992, 1993; Steadman et al. 1993); psychopathy, (Hart, Hare, & Forth, 1994); and intellectual abilities (Heilbrun, 1982), implying the need for multifaceted interventions (Kazdin, 1987).

These definitional concerns are also reflected in differences among researchers in considering outcome. For instance, many studies consider robbery a violent offense and therefore reflect robbery post-treatment to be a measure of treatment failure in follow-up studies. If the treatment program only addressed anger-motivated aggression, then such a view may not be completely accurate. That is, the robbery may have been motivated by financial pressures, not interpersonal conflict. Confusing aggression with apparently different antecedents may obscure individual treatment gains.

While there has been increased understanding regarding ways in which violent offenders differ (Henderson, 1986; Prisgrove, 1993), it is not clear these have been incorporated into

individualized assessments or differentiated treatment (Biaggio, 1987; Blackburn, 1993). Although an empirical question, it would seem plausible that violent offenders who differ with respect to motivation, frequency and intensity of violence, certain dispositional characteristics such as amenability towards treatment and attributions of malevolent intent, intellectual abilities, and substance abuse, might require intervention that varies with respect to treatment targets, intensity of intervention, and mode of delivery. Fortunately, some groundwork in the general area of treatment of offenders (Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990; Rice et al, 1990) and antisocial adolescents (Kazdin, 1987) provide some guidelines.

Contributions from Developmental Literature

Conceptual considerations and treatment programs relating to conduct disordered youths also has some direct applications to the design of programs for violent offenders. First, this literature reflects a high level of sophistication and provides a good model. Second, many persistently violent offenders would have likely received a diagnosis of conduct disorder as a child, although this information is not available in either retrospective or prospective studies of offenders. It is nonetheless implied from clinical experience and follow-up studies of juveniles (Robins, 1978). Third, the developmental literature prescribes a multifaceted approach, emphasizing skills acquisition (Kazdin, 1993), but cognizant of cognitive processing or neuropsychological deficits (Moffit, 1993; Quay, 1993). Treatment programs address proximal or process issues, but it is recognized that gains dissipate over time suggesting a maintenance perspective and not a treatment cure (Dodge, 1993; Kazdin, 1993).

Kazdin (1993) makes specific recommendations regarding the development of treatment programs. Relevant to the correctional setting, these include: developing offender subtypes to identify points for treatment; developing manuals with specific and concrete guidelines to better assess program integrity and facilitate replication; considering small scale (individual) and group designs to generate promising techniques; considering multiple measures of treatment outcome; and considering such issues as duration of treatment and the relative and combined efficacy of treatment combinations.

Diagnosis and Co-Morbidity

While there has been an extensive debate regarding the relationship between mental disorders in offender populations and potential for violence (Monahan, 1992), there is agreement that various socio-political decisions have led to significant numbers of mental disordered patients being diverted from mental health settings to prisons (Roesch & Golding, 1985; Steadman, McCarty, & Morrissey, 1989; Steadman & Cocozza, 1993). Surveys using the Diagnostic Interview Schedule, a structured psychodiagnostic interview for use in large-scale epidemiological studies, suggest that 50%-90% of Canadian offenders meet the criteria for substance use disorders or antisocial personality disorder (Hodgins & Cote, 1990; Motiuk & Porporino, 1991; Wormith & Borzecki, 1985). From 10%-30% meet the criteria for serious mental disorder such as a depressive, bipolar, schizophrenic, or organic disorder. As well, it is common for offenders to meet more than one diagnosis, i.e., co-morbidity, yet it is less clear to what extent this effects

treatment outcome. Intuitively, co-morbidity raises questions regarding the prioritization of treatment needs.

The diagnosis of mental disorder in an offender, however, should not be confused with criminogenic need (Quinsey, 1983; Shapiro, 1991). Clearly, for some offenders, the presence of mental illness is ancillary to factors more germane to their motivation to commit crimes.⁷ Distinguishing these issues is vital to appropriate intervention. That is, ameliorating the symptoms of mental disorder may be insufficient to reduce the likelihood of future criminal behaviour. Addressing mental illness, however, is a required mental health concern for correctional staff and failure to respond to their distress would be viewed as unethical (Ogloff, Roesch, & Hart, in press) given their potential for victimization (Cooley, 1992). Several authors have raised concerns regarding the disadvantages faced by mentally disordered offenders in terms of access to programs and release opportunities (Freeman & Roesch, 1989; Porporino & Motiuk, in press).

Notwithstanding resistance to consider mental illness a risk factor for future violence (Monahan & Steadman, 1983; Teplin, Abram, & McClelland, 1994), there is increasing evidence that some forms of mental illness are related to violence (cf Monahan, 1993). The magnitude of risk associated with the combination of male gender, young age, and lower socioeconomic status, however, exceeds that presented by mental disorder. As well, alcoholism and other drug use is a more robust risk factor than major mental disorders such as schizophrenia and affective disorder. The prevalence rates of antisocial personality disorder and substance abuse in offender populations (Motiuk & Porporino, 1991) is particularly relevant since these factors are related to risk of violent offending. It is important to note that *current* psychotic symptoms are a defining risk factor, not previous admissions for psychotic symptoms (Link, Andrews, & Cullen, 1992). This distinction may not have been incorporated into actuarial risk scales for mentally disordered offenders which report schizophrenia to be a protective factor, suggesting lower risk (Harris, Rice, & Quinsey, 1993). Compliance with medication is also an issue that may relate to level of risk (Steadman et al, 1993).

The issue of mental illness also raises the question of management of an offender's behaviour. At a minimum, pharmacotherapy may be an adjunct to psychological interventions where there is evidence of acute or serious mental illness. Multidisciplinary treatment teams may therefore be more efficacious in cases where mental illness is present.

Managing Violent Behaviour

This section deals with the management of aggressive behaviour through pharmacotherapy. The literature distinguishes between short and long term management of violent behaviour in mentally disordered patients, and refers to inpatient and outpatient programs. Several reviews are available which present the issues relating to the use of medication to reduce aggressive behaviour (Bond, 1993; Conacher, 1988; Eichelman, 1988; Rice, Harris, Varney, & Quinsey, 1989; Tupin, 1987). These, however, will only be summarized as the main focus of the paper is on psychological interventions.

Short term use of psychopharmacologic agents is most often applied in situations where the offender is acting in a seriously threatening manner, towards self or others. The issue is one of control and the medication must have a rapid onset of action. Offenders in crisis are unlikely to co-operate with oral medication independent of the onset issue and there may be other medical contraindications (Tupin, 1987). Intramuscular injection appears to be the preferred intervention. Choice of medication includes antipsychotic, antianxiety and sedative medications, although each has specific strengths and weaknesses. Monitoring by staff for effects on respiration, blood pressure, pulse rate, and level of consciousness are imperative. Side effects may need to be controlled and toxicological screens should be obtained.

Long term use of drugs to manage aggressive behaviour should incorporate a detailed history and diagnosis (Tupin, 1987). Prior treatment experience, substance abuse, and diagnostic precision should inform physicians regarding the appropriate medication. Unlike short term management, then, the aim is more than symptom reduction. Long term drug use also has implications for monitoring of harmful side effects and titration to a therapeutic dosage.

It is clear that many offenders with mental disorders will be considered candidates for drug treatment, yet their compliance is not guaranteed. Neuroleptics have been demonstrated to reduce symptoms of schizophrenia such as agitation, hallucinations and delusions and lithium has been effective in the management of bipolar disorders (Bond, 1993). It is less clear that medication is effective in the management of violence with personality disordered offenders (Conacher & Fleming, in press), although staff might resort to such a strategy for crisis management (Rice et al, 1989).

Rice and Harris (1993), however caution that medication is not a panacea for the management of violent behaviour. Further, this may be a litigious issue for advocacy groups. Not all offenders comply with physicians' prescriptions, and they have the right to refuse treatment. Harris (1989) has noted that neuroleptic drugs are not effective for all psychotic symptoms, nor for all patients. Partial or complete nonresponders appear relatively insensitive to medication or dosage changes. Side effects of these drugs result in noncompliance, as do patients' perceptions of staff motivation regarding prescriptive practices. Compliance may be improved by behavioral intervention (Michenbaum & Turk, 1987), yet drugs may not prove to be the treatment of choice for all offenders who exhibit violent behaviour. It may be that for offenders without a medical etiology to their aggressive behaviour that medication might facilitate cognitive-behavioral intervention, perhaps by reducing arousal level so that they might attend to program content, with a view towards eventually discontinuing the medication if possible.

Treatment Programs

Under the rubric of treatment programs for violent offenders the most common category is that of anger management or anger control. Although there is a relatively large literature on the assessment of violence in offender populations, surprisingly there is a dearth of published studies on the treatment of violent offenders.

While the specific treatment components vary somewhat across programs and settings, it is common to see components to address arousal levels and some review or rehearsal of alternative thinking. Stress inoculation is advocated by Novaco (1975) and more cognitively-based programs often refer to Ellis' (1977) irrational thoughts. More recently it appears that both components are incorporated into programs, although it is uncertain which contributes greatest to treatment gain, or the manner in which they may interact.

The components of a stress inoculation program typically consider: awareness of hierarchy of individual anger cues; relation between self-statements and anger level; model of anger and measurement of parameters (intensity, duration, frequency, behavioral outcome); reappraisal of anger situations; self-instructional coping aids; relaxation training to reduce arousal level and facilitate self-control; and skills practice. Increasingly, communication and assertion skills are incorporated into this approach described by Novaco (1978), although the core elements are cognitive preparation, skill acquisition, and application practice.

Ellis' (1977) approach more specifically emphasizes the role of cognitions, notably irrational beliefs, in the provocation and maintenance of anger levels. Offenders are taught to recognize that what they believe results in increased arousal, labeled as anger, which precipitates aggressive behaviour. This ABC model considers irrational thoughts, e.g., the other person is deliberately putting me down, to produce strong feelings, e.g., anger or frustration. Intervention targets the thought to feeling link, challenging offenders to refute irrational beliefs, decreasing the likelihood of aggressive responses.

Implicit in the proliferation of anger control programs is that violent offenders are angry and that their level of anger exceeds that of nonviolent offenders (Hunter, 1993). Accordingly, reduced levels of anger are anticipated to result in less frequent and optimally less violent behaviour. This is a curious notion in that violence is relative infrequent, unreliable measured, and that many offenders' violence appears to be motivated for reasons other than anger (Henderson, 1984). Perhaps for this last reason recent programs have included skills practice in the areas of social skills, empathy, assertion, and problem solving. Clearly, from what is known about offenders generally regarding their treatment needs, these appear to be viable treatment targets (Ross & Fabiano, 1985). Unfortunately what is missing is a cohesive theoretical model by which to guide assessment and intervention (Steadman et al, 1993). Organizing intervention in sections which relate to self-regulation issues and cognitive deficiencies may be instructive in moving forward in developing working models for subsequent investigation.

Self-Regulation Strategies

Within the various treatment targets described in programs for violent offenders, they appear to reflect arousal reduction techniques (Levey and Howells, 1990), interpersonal skill acquisition, e.g. social skills, assertion, problem-solving (Guerra & Slaby, 1990; Henderson, 1989), and cognitive distortions (Ellis, 1977; Rokach, 1987). Some authors have incorporated several of these components into a more comprehensive package (Goldstein & Keller, 1987). Also, it has been suggested that treatment programs vary according to their emphasis on cognitive or behavioral deficiencies (Kennedy, 1990) and this may relate to approaches used to measure

treatment gain. Again, many studies are multifaceted in their assessment of treatment gain (Kennedy, 1990; Kolko, Loar, & Sturwick, 1990).

When provided, a review of the descriptions of treatment programs for violent offenders lends one to conclude that different clinicians label similar interventions differently. For instance, some programs are described as social skills training, yet targeted several different components, e.g., assertion, self-control (arousal reduction) and social anxiety (Henderson, 1989). Other social skill programs, however, targeted specific areas, e.g., social withdrawal (Quinsey & Varney, 1977), conversational skills (Rice, 1983), and assertion (Marshall, Keltner, & Marshall, 1981). Within these studies there assumptions theoretically relating patients' poor social skills to violent behaviour. While it is likely that these treatment targets all fall within a cluster of interactional skill deficiencies, it is not clear that all violent offenders are equally deficient in these areas Henderson (1989).

This section will address strategies related to arousal reduction and skills acquisition. The strategies reflect activities that the offender engages in, through instruction, which enhance the regulation of his behaviour. Cognitive style will be considered separately in that there is a large literature regarding cognitions and aggressive behaviour (Novaco & Welsh, 1989). Where possible studies with offender populations will be described.

Cutting across various prison settings and populations, evidence exists to support the application of relaxation training or stress inoculation to anger control issues ; Hughes, 1993; Hunter, 1993; Kennedy, 1990; Rokach, 1987; Schlichter & Horan, 1981; Stermac, 1987). These studies replicate findings with non-offender samples (Deffenbacher, Story, Stark, Hogg, and Brandon; 1987; Deffenbacher, 1992) which consider heightened arousal to be a component of anger so that improved relaxation facilitates of anger control. It is not clear, however, that arousal reduction strategies are necessarily superior to simple skills acquisition, whether in the area of social interactions or problem solving (Kennedy, 1990; Moon & Eisler, 1983) or cognitive coping skills (Deffenbacher, Story, Brandon, Hogg, & Hazaleus, 1988). Further research is required before conclusions can be made regarding the differential treatment effects of components of typical anger control programs. Such research will need to ensure that offenders with pre-treatment deficits are matched to the relevant area and that attentional controls are available (Guerra & Slaby, 1990; Henderson, 1989; Kolko et al, 1990).

Some programs target impulsivity, yet these appear to reflect a problem-solving strategy with a delay or pause feature comparable to self-instructional training (Camp, Blom, Herbert, & VanDoorninck, 1977). The notion of a cost/benefit analysis has also been suggested (Doren, 1987). One novel application has been Rokach's (1987) use of a forced delay feature as part of a process reviewing simulated social situations. This is consistent with research highlighting the central role latency (impulsivity) plays in the expression of cognitive schema (Dodge & Newman, 1985). That is, pausing may inhibit expression of negative thoughts and facilitate generation of alternative responses.

Cognitive Processing Strategies

Novaco and Weish (1989) describe the importance of appraisals and expectations in viewing potentially provocative events and promoting an aggressive response. They describe how automatic processing of information is facilitated by prior beliefs or schema, which is but one form of cognitive processing. Research in the area of developmental aggressive behaviour has highlighted the critical role information processing deficits play in determining and maintaining aggressive behaviour in adolescents (Crick & Dodge, 1994; Dodge and Frame, 1982; Dodge, Price, Bachorowski, & Newman, 1990; Slaby & Guerra, 1988). This work has prompted investigations into the efficacy of interventions developed to improve the information processing skills of subjects (Lochman & Lenhart, 1993). An ambitious effort with juvenile offenders described the utility of a problem-solving strategy which targeted biased thinking skills (Guerra & Slaby, 1990), although examples are found elsewhere in the developmental literature for aggressive and delinquent youth (Feindler, Marriot, & Iwata, 1984; Hains, 1989; Kolko et al., 1990). Similarly, research with adult offenders has demonstrated irrational beliefs (Ford, 1991) and attributional biases (Serin, 1991) in violent offenders.

In an early study, Kirchner, Kennedy, and Draguns (1979) proposed that assertion training would be an important treatment target in aggressive offenders given their deficits relative to nonaggressive offenders. However, treatment or follow-up data are unavailable from this study. Several recent studies with offenders extend this work. Hunter's (1993) study appears the "best" with adult offenders in that it utilized a control group (not randomly assigned), specifically targeted aggressive beliefs, assessed pre and post-treatment with self-report and behavioral measures (institutional infractions), and considered social desirability. No follow-up data are yet available, however, and the total sample is only 55 offenders. She concludes treated offenders showed significant gains relative to nontreated offenders across self-report and behavioral ratings. Another study worthy of note is by Hughes (1993) because it considers behavioral ratings of role plays pre and post-treatment, staff ratings (post-treatment only) and recidivism for completers ($n=52$) and a waiting list control ($n=27$, not randomly assigned). Treated offenders reported post-treatment gains regarding anger scores, irrational beliefs, and in role plays. There was no difference in recidivism rates between the treated and nontreated groups. Lastly, Kennedy (1990) compared the relative efficacy of stress inoculation treatment to a behavioral skills treatment (Goldstein & Keller, 1987) with a sample of 37 offenders. Order of presentation of treatment had no effect, with the greatest treatment gain occurring in the initial phase of treatment regardless of treatment, using interim assessment. Treatment gain was measured by self-report, behavioral ratings in structured scenarios (role plays), and incident reports.

The cognitive processing approach emphasizes the role of beliefs or schema in motivating and regulating social behaviours (Bandura, 1986). Applying this approach to aggressive behaviour in adolescent offenders (Guerra & Slaby, 1990; Slaby and Guerra, 1988) and aggressive children more generally (Lochman & Lenhart, 1993) has yielded specific intervention targets that should apply equally to adult offenders. Aggressive juvenile offenders were found to be deficient in social problem-solving skills and beliefs supporting aggression. Specifically they tended to define problems in hostile ways, adopted hostile goals, sought less confirmatory information, generated fewer alternative solutions, anticipated fewer consequences for aggressive

solutions, and were less effective at choosing "better" solutions. For those familiar with the psychology of criminal conduct (Andrews & Bonta, 1993) they will note this is a specific application of investigating those thoughts which maintain violent criminal behaviour.

The intervention consisted of 120 aggressive adolescents, equally divided by gender, randomly assigned to a 12 week cognitive mediation training, attention control, or no-treatment control. The former intervention specifically targeted the deficits noted previously by Slaby and Guerra (1988). Pre and post-treatment assessment incorporated measures of social cognition (beliefs about aggression), behavior ratings, self-report, and recidivism (24 months). Post-treatment gains for the treatment group were noted in terms of increased skills in solving social problems, reduced support of aggressive beliefs, and reduced aggressive behaviours (based on blind raters). The inference is that these socio-cognitive factors regulate aggressive behaviour, yet recidivism rates for the treated subjects were reduced but not significantly lower than the control groups. It would appear that follow-up issues are important in the maintenance of treatment gains if release rates are to be markedly effected, but this is not a new concept to correctional and forensic staff (Motiuk & Porporino, 1989; Quinsey & Walker, 1992). Rather, it emphasizes the limitations of even rigorous and theoretically-derived intervention which is institution-based only, an issue currently being addressed in the areas of programming for sexual offenders and offenders with substance abuse problems (Pithers, 1990; Lightfoot & Boland, 1994).

Treatment of Psychopaths

While this is a potentially contentious area, it must be considered so that interventions for specific groups of offenders might be reviewed. Early work in this area suffered the same concerns referred to previously, i.e., disagreement regarding definitions, lack of control groups, and theoretically obscure intervention. The review of 295 studies by Levine and Bornstein (1972) yielded on a handful (10) of studies which approached methodological requirements (homogeneous samples, untreated controls, follow-up, and specific outcome criteria). Reasonable conclusions regarding treatment are not possible given the heterogeneity of samples. Suedfeld and Landon's (1978) review of studies until 1975 echo the problems of inadequate definitions of psychoapthy. Their conclusions regarding the need for firm rules, non-gullible supportiveness, the use of therapeutic communities, and judicious pharmacotherapy may therefore be somewhat flawed.

More recently Wong and Elek (1990) have proposed specific criteria for reviewing the efficacy of treatment studies of psychopaths. They suggest the following: a definition of psychopathy based on Cleckley (1976); an assessment of diagnostic reliability; a detailed description of the treatment program; the use of objective and reliable measures of treatment outcome; and the use of an appropriate control group. These criteria appear reasonable and two more contemporary studies have been published which reflect this second generation of treatment of psychopaths. Both studies provide important clues regarding specific treatment targets and operational issues. The first, by Ogleff, Wong, and Greenwood (1990) describes a therapeutic community (Jones, 1982) treatment program with 80 offenders. Emphasis was on offenders increasing personal responsibility, socialization and assertion. Attrition rate, clinical improvement, motivation, and institutional behaviour were investigated. Psychopaths, as measured by the

Psychopathy Checklist-Revised (PCL-R, Hare, 1990), showed less clinical improvement, were less motivated, and had a higher attrition rate. On average, psychopaths were in treatment 43% shorter time than nonpsychopaths. One goal of future treatment programs would clearly be to develop strategies to improve compliance to better enable intervention to be successful (cf Miller & Rollnick, 1990).

The second study, by Rice, Harris, and Cormier (1992) was a retrospective investigation of a therapeutic community and incorporated a 10 year follow-up and a matched control group in a sample of 176 mentally disordered forensic patients. That psychopaths did poorer post-treatment than matched controls is disconcerting. Recently these authors (Harris, Rice, & Cormier, in press) note that the unstructured therapeutic community while innovative at the time was incompatible with contemporary views regarding best practices in offender treatment (Andrews, Zinger, Hoge, Bonne, Gendreau, & Cullen, 1990). Whether this study's findings generalize to offender populations is not the issue. Rather, treatment programs for psychopaths should recognize a central tenet must be that intervention must meet criteria for good correctional programs. Specific applications to match the cognitive style of psychopaths *may* be helpful, but this work is only beginning to evolve.

Assessing Treatment Gain and Outcome

One major shortcoming of this literature on the treatment of violent offenders is the over-reliance on self-report measures of treatment gain. Concerns regarding the veracity of uncorroborated self-report in offender samples have been expressed elsewhere (Rogers, 1988; Shapiro, 1991), and efforts to control for social desirability and/or intelligence appear warranted. Self-report information is important as it reflects offenders' self-perceptions (Blackburn, 1993), yet it may be an insufficient measure of treatment gain given the demand characteristics, the reality that intervention is often accepted under duress, and where less than favorable post-treatment reports have significant negative consequences. Related to the concern about self-report instruments is that most have been developed for non-offender populations (Novaco, 1994), lack validity scales, and have such transparent items that interpreting post-treatment improvement without corroborating indices of gain may be at best speculative (Bellemare & McKay, 1992; Hughes, 1993). A related concern is that violent offenders inconsistently report higher scores, and therefore greater problems, on self-report measures of anger, aggressiveness, and hostility (Novaco, 1993; Selby, 1984; Serin & Kuriychuk, in press). Baseline measures or within subjects comparisons also appear warranted so that individual offender's improvement may be considered.

Performance measures such as role-play are common in the social skills programs (Henderson & Hollin, 1986) and they reflect a model for programs concerned more broadly with violent offenders. Independent behavioral ratings are also recommended to validate self-report indices and as a strategy to demonstrate convergence of treatment gains. Both performance measures and behavioral ratings require careful training of staff and efforts to ensure inter-rater reliability. Apart from specialized treatment centres or research projects it would appear such

measures are absent in correctional practice. The treatment literature suggests, however, they are important for demonstrating transfer of treatment gains from knowledge to performance, i.e., behaviour (Goldstein & Keller, 1987).

The use of recidivism rates as a measure of treatment gain has been debated (cf Blackburn, 1993), yet for offender populations the expectation of increased community safety and reduced violent recidivism is often their *raison d'être*. This distinction between treatment gain (intermediate within-program targets) and generalization (longer-term effects) has been noted by Andrews (1983). Multiple outcome measures are also strongly recommended to detect partial successes which may be obscured by dichotomous success/fail definitions. As the concept of relapse prevention is applied to violent offenders (Prisgrove, 1993), this provides another avenue for investigation, that of the identification of risk situations, their relation to outcome, and continuity of care in the community.

Setting Characteristics

While the therapeutic community (TC) has been proposed to facilitate treatment of violent offenders (Suedfeld & Landon, 1978), recent research is disappointing (Harris, Rice, & Cormier, in press). Reflecting on earlier views regarding the application of the therapeutic community to correctional settings is illustrative (Toch, 1982). Jones (1982) described essential principles if a TC is to be successful in a prison setting. The more difficult to attain include: clients and staff must be motivated and volunteer to work together; confidentiality must be respected; traditional prison rules must be modified; prison authorities must delegate responsibility and authority to the TC; and, the concept of "treatment" is an existential one in which the individual and the group seek a feeling of purpose in relation to society. Interestingly, correction administrators at the time conceded this type of program might be just the thing for some offenders, but is not a panacea (Levinson, 1982). More recently, Cooke (1989) and Agee (1990) have incorporated aspects of TC as a *milieu* to facilitate treatment, but it is not *the* treatment per se.

Clearly, only a specialized facility or dedication of a specific range could meet the environmental milieu recommended to in a TC. In addition, there is some evidence that staff respond somewhat poorly towards offenders with improved assertion skills (Rice et al, 1989) in that it may be easier for staff to interact with offenders in an authoritarian and capricious manner. Token economy is another setting characteristic which has been recommended as an adjunct to institutional programs to produce and maintain behaviour change (Paul and Lentz, 1977). Rice, Harris, Quinsey, and Cyr (1990) strongly advocate token economies for a range of self-help behaviours, compliance issues, interpersonal behaviour. Laws (1974), however, cautions against having correctional staff operate a token economy because of the likelihood of disruption of appropriate contingencies.

Staff Training Issues

A major impact on the frequency of aggression in institutions relates to the manner in which staff interact with their wards (Rice et al, 1989; Thackrey, 1987). Staff training in the

recognition of potential conflict situations and appropriate verbal and physical intervention increases staff confidence and reduces the frequency of assaults against staff and patients (Rice et al., 1989).

Staff most likely to be effective with offenders are those who use authority to enforce rules, but in a nonconfrontational manner, i.e., firm but fair. They model prosocial and anticriminal attitudes, are able to be empathetic, and are interpersonally skilled (Andrews, Bonta, & Hoge, 1990). This is consistent with the approach advocated by Miller and Rollnick (1991) in what they refer to as "motivational interviewing". While developed specifically for addictions, it would appear that their principles apply to other highly resistant populations such as offenders.

Psychologists in corrections "have seen their role shift over the past decade from one of intervention to that of assessment (Watkins, 1990). Provision of training to deal with potential role conflicts would therefore seem important to improve intervention, as would direction regarding prioritization of assessment and treatment demands. It may be that a restructuring of psychological resources will be required before specialized programs will be able to be developed and provided to persistently violent offenders. Also, increasingly, treatment is considered in the context of packaged programs, but some offenders may require longer and more intensive intervention (Kazdin, 1987).

Therapist Characteristics

Madden (1987) describes the challenge facing clinicians who provide treatment services to violent offenders. In addition to concerns regarding ethical dilemmas and litigation, the issue of staff burnout is very real. The skills and characteristics alluded to previously, e.g., empathetic and fair but firm, are difficult to sustain with somewhat noncompliant patients (Roth, 1987), but more problematic for those dealing with offenders for a sustained duration. Blackburn (1993) among others has noted that treatment is often a long-term commitment and efforts need to be taken to ensure opportunity for collegial support, perspective-taking, humor, and blowing off steam.

Miller and Rollnick (1990) review the literature on therapist effects related to treatment efficacy and conclude that individual therapists can have significant impact on patients' motivation for treatment, including compliance and continuance issues. Further, they note that the therapeutic alliance requires a challenging, but not confrontational therapeutic orientation. Such an approach is not always easy with violent offenders (Novaco, 1983).

CSC Initiatives

In reviewing the literature on treatment of violent offenders it is noticeable that nonsexual and nondomestic violence receives relatively little attention. This is the case in CSC, where proportionately greater resources have been committed to the treatment of sexual offenders and those who abuse partners.

While few CSC studies have been published, this is not to imply that specific initiatives for "generic" violent offenders are not proceeding. Gordon (1993) and Serin (1993) completed informal surveys and concluded that many psychology departments provide some form of anger management programming, typically with a cognitive-behavioral orientation, and utilizing pre and post-treatment assessment to consider treatment gain. Unfortunately, these programs vary with respect to the resources available, they lack standardized admission criteria or assessment protocols, and vary regarding treatment goals. At times these programs are part of a broader intervention such as with substance abuse or sexual offenders.

Each region and each institution within each region have established multidisciplinary committees to review violence in the institutions. These have led to improved communication between staff, increased understanding about the impact of environmental and physical cues, and the impact of drugs on the stability of institutions. These have been major endeavors, however, treatment for violence remains an important prerequisite for reviews for conditional release.

Last year NHQ Programs developed an Anger and Emotions Control Program to complement Cognitive Skills Training. The material is consistent with the literature described earlier regarding anger control programs. Courses are facilitated by a trainer, similar to other Correctional Programs initiatives. This program has just begun pilot testing in several regions, yet the current methodology will limit the extent to which conclusions can be drawn regarding the efficacy of different components. In addition, it was never intended this program be suitable for all violent offenders. Finally, specialized programs have been developed at RPC Prairies and Pacific specifically to meet the needs of serious violent offenders (Presse, 1993; Smiley, 1993), however, to date only preliminary or anecdotal evaluative information is available.

Matching Offenders to Programs (Differential Treatment)

While there is some agreement regarding the requisite treatment components, it is not clear which components relate to treatment gain for which offenders (Blackburn 1993). Further, the issue of program intensity (Kazdin, 1987) has been absent in discussions of programs for violent offenders. Neither is it clear the optimal length of a treatment program, since relative success has been reported with programs that are brief and intermediate in length (Sternac, 1986; Lochman, 1985). One lesson learned from the addictions area is that not all offenders require the same level or intensity of intervention (Fabiano, 1993).

Reconciling difficulties in definition and classification of violent offenders should facilitate matching offenders to the appropriate level of intervention. This strategy will require some standardization in assessment procedures, however. Programs will need to be compatible conceptually and lower risk, infrequently violent offenders' treatment needs may be met with a program such as the Anger and Emotions Control. Persistently violent offenders will require more intensive intervention which recognizes the stability of their aggressive response to a broader range of situations. This group of offenders will more likely reflect the cognitive distortions described previously (Serin & Kuriyuk, in press; Slaby and Guerra, 1988).

Another area relevant to matching offenders' needs to treatment targets relates to the notion of treatability. It is clear that this concept is difficult to operationalize (Heilbrun, Bennett, Evans, Offutt, Reiff, & White, 1988) and that clinicians have low agreement regarding who is treatable (Quinsey & Maguire, 1984). It is equally clear that determining the degree of resistance towards treatment has implications at various stages of the criminal justice system (Quinsey, 1988; Rogers & Webster, 1989). Further, ameliorating resistance appears to be an important initial treatment goal (Miller & Rollnick, 1991), which is prognostic of outcome (Ogloff et al, 1990). This would appear to be an important area to develop as a component of a treatment program for persistently violent offenders.

A final comment relates to relapse prevention. Increasingly it is being presented as an integrative framework for managing offenders. The success in the substance abuse and sexual offender treatment literature (Brownell, Marlatt, Lichenstein, & Wilson, 1986; Pithers, 1990) has resulted in its application to violent offenders (Prisgrove, 1993). This may lead to the identification of more individualized treatment targets, but it is premature to conclude that the identification of high risk situations will effect outcome. Supervision and monitoring, however, would be facilitated by such information, and this might impact outcome. These remain empirical questions to be investigated.

Summary

What Do We Know?

Notwithstanding the concern about violent offenders, there exists a surprisingly small body of literature describing treatment efforts and their efficacy. Recent studies have shown improved methodology, however, we are far from determining what intervention works best for which violent offenders. Although there is evidence to support treatment gain, this has not generalized to improved recidivism rates, but this is an understudied issue. Despite this relatively gloomy outlook, there is relative consensus among clinicians and researchers regarding the types of intervention to consider with violent offenders.

Research on the treatment of violent offenders identifies arousal reduction, problem-solving and challenging aggressive beliefs to be promising treatment targets. Measurement of treatment efficacy in offender populations has been confounded by the over-reliance on self-report questionnaires, the absence of control groups, and problems in the definition of violent offenders. There is little evidence, however, that such programs reduce violent recidivism.

Theoretical models which integrate arousal level, impulsiveness, and cognitive style in the stability of violence across situations for persistently violent offenders may provide some direction for the development of assessment strategies and treatment targets (Serin & Kuriychuk, in press; cf Zillman, 1988). The extent to which self-regulation deficits, developmental history, and motivation may also impact the learning style of such offenders warrants consideration (Newman, 1990). Since self-reported perceptions of treatment benefits is a limiting feature, multi-method assessments need to be considered such that convergent validity becomes possible. Anger is considered an important treatment target, however, many offender's violent behaviour may have other antecedents not previously considered in treatment programs (Henderson, 1989).

What To Do? (Future Directions)

It is recommended that NHQ Research co-ordinate the development of a multi-site treatment program for persistently violent offenders. Such co-ordination will facilitate the following key principles: standardized admission criteria; the identification of several control groups, preferably matched according to severity of criminal history or current offense; random assignment to treatment and control groups; development of multi-method assessment strategies; and assessment of process and outcome measures of treatment gain.

What is required is: the development of a working conceptual model; the development of a research methodology to address questions regarding treatment effectiveness; the identification of treatment targets and multiple methods for assessing need and treatment gain (behavioral ratings, self-report, and performance tasks); determining admission criteria relative to existing programs to ensure a hierarchical approach; developing a treatment manual; developing guidelines for assisting in maintenance of treatment gains; and follow-up, with emphasis of reasons for success and failure. It is important to note that desistance is not the same as treatment success.

Additional issues need to be considered. Attempting to provide such a program at several sites across the country means that the number of offenders treated will be high, permitting easier analysis of the findings. Some sites, such as an RPC will already have trained staff, but regular institutional staff will require training to complete some of the more promising behavioral rating scales (Agee, 1990). As well, some institutions may need additional resources to provide an additional program of the integrity intended. Some settings will be more "therapeutic" than others, perhaps as a function of security level. Some may choose to allocate a particular treatment range, however, these matters warrant further consideration.

It is clear, however, that the knowledge and expertise exists to provide a theoretically relevant and methodologically sophisticated treatment program for violent offenders comparable to those currently in place for sexual offenders (Marquis, 1993), however its efficacy in terms of reduced violent recidivism will not be known for several years.

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Internal Classification

Strategies

What is internal classification ??

- A decision making process within the facility based upon needs assessment that determines the inmate's housing and program requirements.

Internal Classification

Plan

- Establish criteria and guidelines for segregating high risk offenders and security threat groups from general population.
- Use internal classification as a preventative management process.
- Distinguish internal classification from punitive or disciplinary segregation.

The Plan

- Pro Active
- Offender Responsible (behavior)
- Program Driven

Offender Assessment Tools

Internal Classification

- Line Staff Evaluation
- Intelligence Officer Evaluation
- Program Staff Evaluation
- Medical and Mental Health Evaluation
- Document, Document, Document.
- Assessment is a continual process

Assessment Tools

30 Day Reviews

- Why was this offender assigned to my facility
- What was the offender's behavior during a 30 day period of time.
- What is the outcome of staff evaluations
- What is the program plan
- Any program completion
- Medical or Mental Health issues

30-Day Reviews

Internal Classification

- Used for statistical data collection
 - Behavior review
 - Staff information
- Custody/Management issues
 - Evaluation for progressive movement

Warden's Review

Internal Classification

- Assigned to the facility 24 months or longer
- Referred for transitional programming
- Recommended for progressive movement
- Specialized group determined by the Warden for data collection

Conditions of Confinement

Quality of Life

- A behavior driven progressive incentive program consisting of five levels which encourages appropriate behavior through behavior modification and program participation.
- Quality of Life assignments are internal classification decisions

Quality of Life

Internal Classification

- Quality of Life levels one through five may be reduced without due process. Quality of Life decision are based solely on behavior and program compliance.
- These decisions are grievable.
- Places responsibility on the inmate to determine their quality of life.

Quality of Life

Continued

- Inmates learn that good behavior and program compliance is the way out. (Light at the end of the Tunnel)
- As inmates strive to achieve a higher quality of life, the environment becomes safer and more conducive for inmate programming.

Why Does It Work

Internal Classification

- The process is fair, firm and consistent
- Inmate knows upon arrival what is expected.
- Immediate response to positive and negative behavior.
- Controlled environment.
- Extended period of close observation by staff
- Significant incentives

Staff

Internal Classification

- Empowerment of Staff
- Staff Discretion
- Documentation
- Staff Accountability
- Follow up/ Follow Through
- Supervisory Review
- Multi Disciplinary Teamwork

Offender Management Tools

- All staff are empowered to initiate and/or implement offender management tools when inmates fail to follow the Quality of Life disciplines.
- Methods of establishing immediate control of inmate assaultive, disruptive, and/or self-injurious behaviors.
- Continuum for progressive management.

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USA

Novel attempt to curb prison gang violence

Arizona sends prison gang leaders out of state to isolate them. But will it work?

Pilar Martinez
Special to The Christian Science Monitor

TUCSON, ARIZ.

Inmates who try to run a gang in Arizona's prisons are getting themselves run out of state.

In a novel experiment, the state Department of Corrections is shipping prison gang leaders to other facilities across the country where they'll find themselves in the racial minority.

The aim: to curb one of America's most persistent causes of violence behind bars.

Transferring gang leaders "makes it very, very difficult - because of time and distance - for them to effectively become involved in any command and control of organized gang activities in our prison system," says Arizona Department of Corrections director Terry Stewart.

Gang violence remains one of the most stubborn problems for corrections officials at all levels, and if it proves successful, Arizona's nascent program could end up being duplicated by other states across the country.

Prisons began to bulge with gang members when states enacted tougher laws for gang-related crimes in the mid to late 1980s. But getting them off the street did not necessarily curtail their activities and, in many ways, their numbers - and power - grew inside prisons. Many inmates who hadn't previously been exposed to gangs were recruited and, after serving their sentence, allied with the gang outside prison walls.

Today, officials say, prison gangs are more prevalent and visible than ever. While gang problems exist at every level - federal, state, and county - they tend to be less severe at the federal level because of the government's willingness to move prisoners from one location to another more freely.

Moving prisoners more freely is what Arizona hopes to achieve.

The idea seems to be unique to Arizona, says James Turpin, legislative liaison for the American Correctional Association. But he wouldn't be surprised if other prisons are trading hard-to-manage inmates and getting rid of gang leaders in the process.

Old laws, new solutions

Booting prisoners across state lines is a twist on a law that was created, in part, to make life easier for inmates. Under the 1934 Crime Control Consent Act, states were authorized to form interstate compacts so they could send inmates to their home states to be closer to their families. Now the law is serving a duel purpose.

Arizona is considered to have one of the worst prison-gang problems in the nation, comprising mostly Hispanic and white supremacist gangs such as the Aryan Brotherhood, Border Brothers, and Mexican Mafia.

The severity of this problem was manifest last year in the alleged assassination plot of Mr. Stewart by members of the New Mexican Mafia, says Mr. Turpin. The murder never took place and the case against the three gang members was later thrown out after the star witness refused to testify. But the case highlighted an already-sensitive issue in Arizona prisons, and caused officials to consider new solutions.

Since 1997, Arizona inmates identified as gang members have been given the option of renouncing their membership and becoming informants or moving to 23-hour lockdown. Arizona uses informants - correctional employees as well as inmates - to determine which prisoners pose the biggest threats and which should be shipped out of state.

To ensure that the inmates aren't a problem in their new locations, the department picks states where they'd be hard-pressed to form new alliances. That means a white supremacist would likely end up in a prison system where the majority of inmates were black or Hispanic.

That strategy dumfounds civil libertarians who believe putting white supremacists with minorities will only exacerbate tensions in the new location. They also are troubled by the role race plays in the selection process.

"The fact that they're using race as a basis [for picking the new prison] needs further examination," says Kara Gotsch, with the American Civil Liberties Union of Arizona.

One gang expert doubts whether the program will actually cut down on criminal activity.

Those who are moved "get to a new institution that has little or no gang members," and then form a new gang, says Robert Walker, founder of Gangs OR Us, an Internet consulting firm.

A white supremacist will have even more incentive to cause trouble in a place where he feels he needs protection, says Mr. Walker, who ran the anti-gang program for South Carolina's Department of Corrections.

Regenerating problem?

Other critics believe that once the leaders are removed, new leaders will crop up to replace the ousted ones. "Gangs will only regenerate if they lose a leader. There's always someone waiting in the wings," says Donna Hamm, head of Middle Ground, an Arizona prisoners advocacy group. She calls the program a "red herring. It has absolutely no impact on the gang problem."

But Stewart defends the program. "I noticed a difference after I sent out the first one. I had [gang members] standing in line saying, 'I don't want to go out of state. Let me tell you what I know!'" His wardens report that their yards are easier to manage now that the first five ringleaders have been relocated. As for creating a new breed of gang leaders, he adds, they will be inexperienced and easier to deal with. "It is an unfortunate fact that someone will step up to take their place," he says. "It's a

continuing fight."

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New Directions for Managing Inmate Assaults on Staff

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For the Connecticut Department of Correction (DOC), past experiences have made it apparent that the traditional policy of segregating inmates in large numbers, in open cells and without program intervention or a structured transition and release program, is not successful in reducing assaultive behavior. Recognizing that the traditional celled facilities they had were inadequate for housing assaultive inmates, the DOC began building a 300-cell facility specifically designed to house them, and developed a task force to make recommendations for a program to deal with the problem.

The task force reviewed all assaults, which took place during a one-year period in the department. Confirming its initial impressions, the task force found that 22 percent of the assaults occurred in restrictive housing despite the fact that only 3 percent of the beds were within this area. In other words, **while we were segregating these inmates we were not incapacitating them**. In addition, it found that the vast majority of assaults were isolated incidents occurring when a dispute between an inmate and an officer escalated.

Program Proposal

A phase model was proposed which would start off by placing the inmate in a restrictive form of confinement (Phase 1). It was envisioned that as the inmate continued to demonstrate appropriate behavior, he would progress to Phase 2 and later Phase 3. Criteria for advancement through the program would be based on "effort, attitude and behavior, as well as graded achievement," and there would be an increase in privileges as the inmate moved through the system.

Several differences existed in the conditions of confinement between the phases. In Phase 1, inmates were shackled and cuffed behind their backs. They also had hands-on escorts. When moved to Phase 2, inmates were taken off full restraint status; for the initial 30 days they were handcuffed in front. After 30 days, pending review, they were taken off cuff status. In Phase 1, recreation took place in groups of a maximum of four; in Phases 2 and 3, recreation took place in groups of eight. Other changes between the phases dealt with commissary privileges, telephone privileges and visitation.

In Phase 2, only eight inmates were allowed out of their cells in a secured area. In Phase 3, this increased to 24, and inmates ate out of their cells. This allowed staff to observe and interact with inmates in a condition of confinement approaching the general population.

Inmate Movement Within A.S.

Although inmates publicly complain about the restrictive conditions in Phase 1, many express a different view in private. I was talking to a group of inmates who had completed the program, and I asked them the following: Imagine after you finished your sentence that you were hired as a consultant to the DOC. You were asked to review our A.S. program. Would you recommend eliminating Phase I? The answer then and with subsequent program completers is "Do you really think that without Phase 1 you would have listened to any of this?"

So it is clear to us and clear to inmates, that they need an extended period of time in which they are maintained with little contact and minimal privileges. They need time to settle down in an environment that does not feed into their disruptive behavior. One of the things that critics do not realize is that in the system that preceded this, inmates were getting into a lot more trouble, and many, with relatively short sentences, were received outside charges and more prison time.

If a long period of time in Phase 1 is important for inmates, it is also important for staff. Staff need to know that assaults against correctional officers will not take place with impunity. While inmates are in this phase, however, it is important to ensure that all policies and procedures are followed completely. There are two reasons for doing this. First, the most basic message our program teaches inmates is that, although prison is not a pleasant place to spend time, it is a place where inmates will be treated fairly and given everything to which they are entitled so they can serve their sentences as easily as possible. If staff antagonize inmates, the whole program can be undermined, leading some inmates to view staff as hypocrites, and leading others to become more dangerous than they already are.

Following all policies and procedures also protects the institution from judicial intervention. In the DOC's orientation and supervision of staff, we emphasize this point by telling them that we run the risk of losing control of our institution if we abuse inmates or don't follow the rules. While we may not agree with many of the requirements imposed on us, we must adhere to them diligently in order to maintain control.

Movement of inmates through the phases should be fair, understandable and predictable. By the time an inmate is in Phase 3, he should be spending at least some of his time out-of-cell in various activities. This constitutes a transitional stage, allowing the administration the opportunity to observe inmates in conditions approaching that of the general population.

At some point, most inmates will be released into a general population setting from a restrained A.S. status. Our model advocates taking this step, and its incumbent risks, within the more controlled environment of a level 5 (SuperMax) facility. Other models take that step when the inmate is moved to a level 4 (Maximum-Security) facility.

Observations

We experienced considerable difficulty both at Walker Correctional Institution (level 5), which had 270 cells allocated to administrative segregation inmates, and later at Northern Correctional Institution (level 5), which had 300 cells handling inmate-on-inmate assaults when they were at recreation. At Walker, we installed individual recreation areas. Despite complaints from inmates that they were being put in "dog cages," we were driven to do this because of repeated inmate-on-inmate assaults. Later at Northern, we ran into the same problem, even after we added tethers to the inmates' restraints.

One of the most basic changes to take place in the management of these inmates was the introduction of a Program Coordinator and a Unit Manager to the system. Up until this point, problems between inmates and staff were "custody" problems which were managed primarily by line staff, sometimes in informal ways which had been created over the years.

Establishing the legitimacy of this approach involved a fundamental change in working relationships among staff, and a fundamental change in the norms governing the behavior of institutional staff. In order for this to occur, several elements must be in place. First, there has to be a considerable amount of upper management support.

Although we were very proud of the program we had put together both at Walker and Northern, we recognized that we were only one component in our prison system. **Fundamental principles of prison management must be in place within the entire prison system in order to minimize assaults against staff.** This included minimizing the mass movement of inmates, creating a system to manage

security risk group problems, establishing a principle of earned privileges (versus entitlement) and maintaining the myriad of custody procedures known to all professional corrections staff. **Classes and groups are not a substitute for sound correctional principles and practices.**

Classes

When we re-examined what classes to use in the program, we emphasized using material which spoke directly to inmates' problematic behaviors. For example, we started out with a class on communications because the vast majority of the assaults we examined took place as a result of a communications problem between staff and inmates.

When the first classes began, many staff members expressed concern about safety. Some argued that, after being locked up in such restrictive housing, inmates would retaliate by striking out against staff. Others strongly resisted the idea that inmates be allowed to come out of their cells at all, and said that administrative segregation inmates deserved nothing but contempt and discipline. Many expressed the idea that the inmates were going to tell us whatever they thought we wanted to hear. But as the program unfolded, it became clear that many inmates seemed anxious to do something productive and learn something. Many had significant reading problems, and we had to work at writing the materials at a low reading level.

We wanted inmates to know that we had something important to teach, and that we would make every effort to help those inmates who had difficulties (such as reading), but that we would not hesitate to keep someone back. As time went on, we wove a theme of accountability throughout all the classes.

In establishing this position, we tried to differentiate between accountability and threats. Getting all the staff on board with this was not a simple task, but it was essential if the goal of the program was to help inmates make good adaptations to general population facilities in the department. We believe that **the inmate who survives our program by undergoing what he experiences as denigration becomes a more dangerous inmate in the future**, especially in a disturbance. We try to teach inmates that accountability is not something we impose on them, but is a principle of living the good life, which guides us as much as them. We believe that the inmate who learns this principle will be less dangerous.

As we began to work with inmates in a group, we had to deal with inmate

complaints about staff. In a department with thousands of staff, inmates are bound to have experiences in which staff interact with them unfairly. We pointed out to inmates that staff face the same kinds of problems they do. If we treat inmates with respect, this is how they will treat us most of the time. But this isn't always the case. Sometimes inmates are nasty and abusive to staff even when we do the right thing. The challenge we face is to deal with these inmates without letting them contaminate our view of inmates who are behaving appropriately. We encourage inmates to do the same as they interact with staff.

This is sometimes a fine line to walk, and staff must avoid allowing inmates to complain constantly about conditions. At the same time, staff must not fail to appreciate that these conditions exist. Defensiveness does not help.

It is critical that Mental Health staff also understands this basic orientation, because they can sometimes be used by inmates who do not take responsibility for themselves. Mental Health staff should focus on inmates with mental illness, and not provide inmates a forum to rail against the program or staff. The two essential functions they serve is to screen and asses for inmates who should not be in the program, and for those who remain in the program, to provide services for those who need it. They have to take care to not "enable" inmates to avoid the reality that it was their behavior that got them into trouble and into the difficult conditions of confinement in the first place.

Teaching Anger Management

One of the assumptions made about inmates who have assaulted staff is that they have difficulty controlling their anger. We have come to believe, however, that this is rarely the case. It is no more accurate to say that most assaults take place because inmates cannot control their anger than it is to argue that National Hockey League players who get into fistfights cannot control their anger. Those players, as well as the inmates, are task-centered and deliberate in their assaultiveness.

Therefore, we have increased our emphasis on the culture of violence in the anger management component of the program. Inmates often assault someone because they feel violated and have learned that assaulting the other person is an appropriate response under the circumstances. Our task, in a sense, is to resocialize these inmates and teach them that there are alternatives to assaulting a staff member. One of the most frequent explorations we hear from inmates is "I did what had to do." We must work at helping inmates develop more of a sense of choice than is implied in this statement.

Throughout the program, we emphasize to inmates that there are alternatives to assaulting staff. There is a danger in this approach if the system is not fair. If, in fact, systematic problems are not addressed, it makes little sense to encourage inmates to do things the "right way." For example, in our system, doing things the right way includes using the inmate grievance system, presupposing that this system actually works.

The combination of a strong deterrent, the presence of opportunities for inmates to do something productive and a viable means to resolve conflicts deters violence. As political winds blow to the left, we tend to ignore the value of deterrence and punishment. As political winds blow to the right, we tend to ignore the value of opportunity and the need for justice. Corrections professionals need to resist these forces by carving out a middle-of-the-road approach that leads to the highest level of staff safety.

As time goes on and our philosophy develops, we begin to think that the program should be thought of as the totality of the experience in the facility. It occurs to us that it is more accurate still to conceptualize the program as going beyond the facility, to include the totality of the inmate's experience in the correctional system. We begin to see every interaction between a staff member and an inmate as a learning opportunity. And we hope that inmates will learn that following the rules and treating staff appropriately will help them get along better.

Outcome

We maintain a computer file of all the inmates who have completed the program and have been taken off administrative segregation. The first of the administrative segregation inmates were released August 1, 1994. As of March 19, 1997, 239 inmates had been released from administrative segregation. Fourteen inmates have since been returned, and only five of these returned for assaults on staff. This constitutes an annual return rate of 4 percent.

The Connecticut DOC will continue to track offenders who have completed this program. The promising results encountered so far suggest an effective way to handle this common and difficult management problem which all of us in corrections must face. It is our hope that, in the next several years, other programs designed to deal

with assaultiveness will report on their experiences, offering outcome data and other alternatives.

This paper was reprinted and adapted from **Corrections Today**, July 1997, written by Patrick Hynes, Director of Program Development for the State of Connecticut DOC and Robert J. Kupec, retired warden of Northern Correctional Institution.



SUPERMAX PRISONS/OPERATIONS

1. SuperMax Housing: A Survey of Current Practice (NIC: 1997)
2. SuperMax Prisons: Overview and General Considerations (NIC: 1999)
3. SuperMax: More of the Same in the 21st Century?: (Dick Franklin: 2000)
4. Out of Sight: Super-Maximum Security Confinement in the United States: (Jamie Fellner, Human Rights Watch: 2000)
5. The Supermax Solution (Jennifer Gonnerman: 1999)
6. Super-Maximum Custody Prisons in the US: Why Successful Regimes Remain Controversial: (Ward and Carlson):



SUPERMAX HOUSING: A SURVEY OF CURRENT PRACTICE

Special Issues in Corrections

March 1997

Introduction

The NIC Prisons Division and Information Center initiated a nationwide survey of current supermax housing practice in December 1996. Goals of the project were to identify current and planned supermax housing, to explore issues in inmate management in supermax, and to examine the programming provided to inmates in supermax housing. Responses were received from corrections departments (DOCs) in 50 states; the District of Columbia; New York City, New York; Cook County (Chicago), Illinois; and from the Federal Bureau of Prisons and the Correctional Service of Canada.

The survey was based on the following definition of "supermax":

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 seriously 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.

Survey results and discussions with DOC staff suggest, however, that a common definition of supermax housing is problematic. Many of the DOCs could not respond to the survey on the basis of the definition provided, instead providing data on the most closely comparable custody level or type of housing.

The diversity of responses makes clear that the DOCs have differing reasons and needs for operating supermax housing, and that they consider different factors in their inmate classification systems and facility operations related to supermax. It is clear that what is "supermax" in one jurisdiction may not be supermax in another. Supermax as defined in the survey may exist in relatively few agencies.

Agencies' Use of Supermax Housing

It is evident that some jurisdictions' supermax facilities or units house only those inmates who cannot be controlled in traditional segregation or administrative confinement conditions. Others are, essentially, an extension or expansion of traditional segregation or administrative confinement and may house either or both protective custody and disciplinary segregation inmates.

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In some jurisdictions, mentally ill inmates are specifically excluded from the supermax population, while in others this level of control is viewed as necessary because of the paucity of mental health resources. Some supermax facilities or units have transitional beds that provide an opportunity for inmates to earn privileges that are very similar to those in maximum general population. In the case of a supermax unit within a high custody facility, the supermax bed count does not usually include transitional beds to the same extent as in a free-standing supermax facility.

The following examples illustrate the breadth of interpretation and application of supermax housing.

South Carolina DOC—Supermax in South Carolina consists of a 50-bed unit within the Kirkland Correctional Institution. Expansion of supermax by 150 beds is being contemplated. Supermax inmates in South Carolina are those inmates who have demonstrated an inability to conform to the rules and regulations of Administrative Segregation and have a history of violent, assaultive, and/or disruptive behavior within the correctional system. The minimum length of stay in supermax is 18 months. Although a transitional program exists on the unit, the highest level of achievement earns the inmate one visit and one telephone call per month (as compared to those privileges once every 3 months at the next lower level). In this context, the South Carolina DOC projects a need for supermax beds equal to 1 percent of its prison capacity.

Colorado DOC—The field has characteristically described the Colorado State Penitentiary as : supermax prison. Yet the Colorado DOC does not use the term "supermax" in referring to this institution or its operational policy or practice. Rather, this 504-bed prison is operated as an "administrative segregation" prison that includes inmates in protective custody and in several levels of transition to general population. The DOC is currently constructing an addition that will provide more transitional beds. The transitional program provides an opportunity to earn participation in group activity, institutional jobs, and other privileges that approach general population living. In this context, the Colorado DOC indicates a need for administrative segregation (supermax) beds for 5 percent of its incarcerated population.

Mississippi DOC—The Mississippi DOC has two facilities described as supermax, with a total of 1,070 beds. The DOC is planning to add an additional 70 beds. All new arrivals to these facilities are placed in "C" custody, which requires movement in restraint gear and living restrictions that are essentially equivalent to segregation conditions. An inmate may be placed in "D" custody if determined to be a danger to the security of the facility or the safety of staff and inmates. The living conditions of "C" and "D" custody inmates are essentially the same, except those in "D" custody are not allowed visitors. The next lower custody classification is "B" custody, in which inmates live in medium security units under medium custody restrictions. Thus, many inmates who would reside in the general population of a maximum security institution in many other jurisdictions reside in what is described as supermax housing under supermax restrictions in Mississippi. In this context, the DOC projects a need for 20 percent of its capacity to be supermax beds.

Michigan DOC—The Michigan DOC has designated a 421-bed supermax facility for the housing of inmates who:

- Threatened or injured other prisoners or staff;
- Possessed deadly weapons or dangerous drugs;
- Disrupted the orderly operation of a prison; or
- Escaped or attempted to escape in a manner that involved injury, threat of life, or use of deadly weapons.

Two levels of transitional programming are provided: intermediate pre-transfer, and pre-transfer status. The first provides for reduced restrictions after 1 year in supermax and allows activities in groups of up to seven inmates, with additional non-contact visits. Pre-transfer status is possible after 6 months of good adjustment in the intermediate level; it provides expanded out-of-cell activity and requires participation in work. In this context, the DOC projects a need for supermax beds equal to 1 percent of prison capacity.

Federal Bureau of Prisons—The Michigan approach and criteria for placement of inmates in supermax model those of the Federal Bureau of Prisons Administrative Maximum Security (ADX)

facility in Florence, Colorado. This is a prison of 480 beds and serves the BOP's need for confinement of the most dangerous and aggressive inmates in the federal system as well as some inmates from state jurisdictions. The BOP projects a need for supermax beds equal to 0.5 percent of system capacity.

Development of Supermax Housing

Given that DOCs' use and definitions of supermax housing vary widely, the survey data provide only a general sense of related activity. Tabulated information and observations provided in this report are based on the actual survey responses of the DOCs, with no attempt to adjust or interpret the data to account for differing applications of supermax.

Table 1, pages 4-6, summarizes information on current and planned supermax housing and indicates the percentage of total capacity needed for supermax and other segregation housing in each DOC. Table 2, page 7, indicates whether DOCs' current and planned supermax facilities/units were designed for supermax use or were retrofitted.

Among the 55 responding DOCs:

- Thirty-four agencies either are operating supermax housing or are opening supermax facilities/units within the next two years.
- Four DOCs do not currently operate supermax housing but are either considering the need for it or are actively pursuing construction funds.
- Seventeen agencies reported no activity related to developing supermax housing.
- At present there are at least 57 supermax facilities/units nationwide (including 16 in the Texas DOC alone), providing a total of more than 13,500 beds. Ten DOCs are pursuing the development of approximately 3,000 additional supermax beds.
- The earliest supermax housing opened in 1954 in Mississippi. Fifteen supermax facilities or units were opened from 1989 through 1993, and five

more from 1994 through 1996. Five additional facilities or units are projected to be opened by 1999.

- The need to better manage violent and seriously disruptive inmates was cited as a major factor in the development of supermax housing by 36 of 37 responding DOCs. The need to better manage gang activists was ranked as a major factor by 17 DOCs. Also of some importance were projected increases in commitments of adult violent offenders.
- Factors of less overall importance among the DOCs were a shortage of segregation beds due to crowding; legislative interest; and projected increases in commitments of juvenile violent offenders. Least important was the availability of federal Crime Bill construction funds.

Issues in Supermax Operation

The survey also sought information on DOCs' administration of supermax housing. Findings in brief:

- Sixteen DOCs have not used supermax housing for routine segregation purposes (e.g., discipline, protective custody, and program segregation) to compensate for a shortage of segregation beds. Twelve DOCs have done so. In seven of these agencies, the routine segregation inmates have been managed in the same way as persons officially designated as requiring supermax housing; the other five DOCs have managed these inmates differently from supermax inmates.
- Twenty-two DOCs use an objective classification instrument or other standardized system to determine whether an inmate is appropriate for placement in supermax housing. Four agencies cited special criteria for making such determinations, and one cited the disciplinary process.
- Authority for placing inmates in and removing inmates from supermax housing rests at the institutional level in about half the DOCs that have supermax. In the other half, the decision is made at the central office level, by the DOC director or deputy director.

- Twenty-three DOCs have a fixed system, program, or set of criteria under which an inmate can earn transfer out of supermax; five DOCs do not have such a system.
- In only one DOC can an inmate who displays extremely violent or disruptive behavior be permanently assigned to supermax housing.
- In 22 DOCs, it is possible for inmates to complete their sentences in supermax housing and be released to the community directly from supermax. Six DOCs indicated this is not possible. The Illinois and Indiana DOCs, for example, move inmates from supermax to normal maximum classification before release. The Federal Bureau of Prisons does not release inmates directly from supermax except under court order.
- In 16 DOCs, supermax inmates have the opportunity for physical contact with staff, defined by the survey as excluding contact while exchanging materials through a door slot, providing medical treatment, or providing physical escort. In most cases, physical contact is limited to staff on the floor during recreation, caseworkers, or classifica-
- tion or security staff, or it occurs "as necessary." Thirteen DOCs indicated that physical contact between supermax inmates and staff is not poss.
- Supermax inmates have the opportunity for physical contact with other inmates in 16 DOCs. Where allowed, contact usually occurs during recreation. Thirteen DOCs do not allow the opportunity for contact with other inmates.
- DOCs with supermax housing typically require these inmates to spend most of the day in their cells: in 20 DOCs, supermax inmates spend 23 hours per day in their cells, and in four DOCs they are in-cell from 22 to 22.75 hours per day. Three DOCs reported a range depending on factors such as work privileges. The Correctional Service of Canada reported the smallest number, 15 hours per day.
- Many DOCs have developed special approaches to staffing their supermax housing. Nineteen agencies use special selection or screening processes to identify staff for positions in supermax; 20 provide special training to staff of supermax units or facilities; and 17 rotate personnel who staff supermax housing.

Table 1. Status of Supermax Housing in DOCs¹

	Facility Name and Location	Number of Supermax Beds	Year Opened/Will Open for Supermax Use	Percentage of Systemwide Capacity Needed for Segregation Purposes		
				Supermax	Routine disciplinary segregation	Other routine segregation
Alabama	—	0	—	3%	7%	3%
Alaska	—	0	—	—	3%	7%
Arizona	(SMU I)	1,728	1987	8%	20%	8%
	(SMU II)		1996	—	≤5%	5%
Arkansas	—	0	—	1.8%	—	3.5%
California	Pelican Bay State Prison, Crescent City	1,584	1990	5%	5%	5%
	California State Prison, Corcoran	1,296	1989			
	Valley State Prison for Women	62	1995			
Colorado	Colorado State Penitentiary, Cañon City	504	1993	5%	2.4% (combined)	
Connecticut	Northern Correctional Institution, Somers	586	1995	4%	3%	1%

1. Supplemental information on facilities was obtained, where available, from the American Correctional Association (*1996 Directory, Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities*, 1996).

Table 1, continued

	Facility Name and Location	Number of Supermax Beds	Year Opened/ Will Open for Supermax Use	Percentage of Systemwide Capacity Needed for Segregation Purposes		
				Supermax	Routine disciplinary segregation	Other routine segregation
Delaware	—	0	—	—	0.8%	7.5%
D.C.	—	0	—	—	0.09%	0.08%
Florida	(Pending; not funded)	(1,000)	—	3%	5%	7%
Georgia	Georgia State Prison, Reidsville	10	1990	—	—	—
Hawaii	—	0	—	<1%	3%	5%
Idaho	Idaho Maximum Security Institution, Boise	96	1989	—	—	—
Illinois	Maximum Security Institution, Tamms	500	Projected 1997-98	—	—	—
Indiana	Maximum Control Complex, Westville	85	1991	—	—	—
Iowa	(Pending; DOC has not determined a need for supermax beds)	0	—	3%	7%	10%
Kansas	—	0	—	0%	1%	5%
Kentucky	—	0	—	0%	4%	4%
Louisiana	Louisiana State Penitentiary, Angola	872	n.d.	6%	—	—
	Hunt Correctional Center	64	n.d.		—	—
	Wade Correctional Center, Homer	112	n.d.		—	—
Maine	Maine Correctional Institution, Warren	100	1992	6.7%	1.9%	6.6%
Maryland	Maryland Correctional Adjustment Center, Baltimore	286	1989	1%	2.5%	1%
Massachusetts	Massachusetts Correctional Institution, Walpole	124	1992	—	—	—
Michigan	Ionia Maximum Security Facility, Ionia	421	1988	1%	1.2%	4.3%
Minnesota	Minnesota Correctional Facility, Oak Park Heights (New unit under DOC consideration)	35 (60)	1982 —	1-2%	8-10%	0%
Mississippi	Mississippi State Prison, Parchman, Unit 32	1,000	1990			
	Mississippi State Prison, Parchman, Unit 17	56	1954	20%	—	35%
	(Pending; retrofit, Crime Bill funding)	(700)	—			
Missouri	—	0	—	—	1%	8%
Montana	Montana State Prison, Deer Lodge	64	1986	—	—	—
Nebraska	Nebraska State Penitentiary, Lincoln (Pending approval)	36 (128)	n.d. —	1-2%	—	—
Nevada	Ely State Prison, Ely	430	n.d.			
New Hampshire	—	0	—	—	—	—
New Jersey	New Jersey State Prison, Trenton	96	1977	<1%	1%	1%
New Mexico	(Pending; DOC has not determined a need for supermax)	0	—	(0%)	2.5%	5.4%

Table 1, continued

	Facility Name and Location	Number of Supermax Beds	Year Opened/Will Open for Supermax Use	Percentage of Systemwide Capacity Needed for Segregation Purposes			
				Supermax	Routine disciplinary segregation	Other routine segregation	
New York	—	0	—	—	3.2%	1.2%	
North Carolina	Polk Youth Institution, Raleigh	100	Projected 1998	0.5%	2%	2.5%	
	(Pending; under DOC consideration)	(200)	—				
North Dakota	—	0	—	0%	1.5%	4%	
Ohio	(Unnamed facility), Youngstown	500	Projected 1998	1%	2%	3%	
Oklahoma	Oklahoma State Penitentiary, McAlester	392	1991	0.5%	2%	0.5%	
Oregon	Oregon State Penitentiary, Salem	196	1991	2%	4%	1%	
Pennsylvania	State Correctional Institution, Camp Hill	100	1992	0.5%	7%	3%	
	State Correctional Institution, Greene	25	1995				
Rhode Island	High Security Facility, Cranston	108	1980	3%	8% (combined)		
South Carolina	Kirkland Correctional Institution	50	1993	1%	—	10%	
	(Pending; under DOC consideration)	(150)	—				
South Dakota	—	0	—	0%	7%	1%	
Tennessee	—	0	—	—	—	—	
Texas	Multiple locations	1,229	(N/A)	—	—	—	
	(Pending; before legislature) (# unknown)	—	—				
Utah	—	0	—	—	5%	5%	
Vermont	—	0	—	0%	3.6%	0.7%	
Virginia	Red Onion	(N/A)	Projected 1998	8%	2%	10%	
	Wallens Ridge	(N/A)	Projected 1998				
Washington	Washington State Penitentiary, Walla Walla	96	1984	6%	4% (combined)		
	Clallam Bay Corrections Center, Clallam Bay	62	1991				
	Washington Corrections Center, Shelton	62	1985				
	(Pending; before legislature)	(80)	—				
West Virginia	—	0	—	—	—	—	
Wisconsin	(Pending; before legislature; recommended for siting at Boscobel)	(350-500)	Projected 1999	4-5%	10%	>1%	
Wyoming	Wyoming State Penitentiary, Rawlins	12	1981	1%	2.7%	1%	
	(Pending; before legislature)	24	—				
U.S. Bureau of Prisons	United States Penitentiary, Florence, Colorado	480	1994	0.5%	5%	0.5%**	
Correctional Service of Canada	Regional Reception Centre, Sainte-Anne-des-Plaines, Quebec	120	n.d.	0.9%	2.7%	7.6%	
New York City	—	0	—	—	—	—	
Cook Co., Illinois	—	0	—	—	—	—	

* Includes BOP AD/DS beds.

** Includes BOP protective custody only.

Programming for Inmates in Supermax

At issue is what programming is provided to inmates in supermax housing and how it is provided.

Location of program delivery. Out-of-cell programming is available to supermax inmates in 13 DOCs. Some facilities (in Indiana, Michigan, and New Jersey, for example) have secured modules or carrels in which programming is provided. Three

other DOCs (in Pennsylvania, Rhode Island, and Washington) specified that out-of-cell programming is available for inmates who have earned less restrictive confinement but are still in supermax housing. Fifteen agencies do not provide any programs to supermax inmates outside their cells.

Core programs. Correctional facilities make the core programs of mental health care, access to law library materials, and religious observance available

Table 2. Construction of DOCs' Supermax Housing

	New Construction, Designed for Supermax			Retrofitted Construction	
	Separate facility	Unit in new facility	Unit in pre-existing facility	Separate facility	Unit in pre-existing facility
Arizona	✓				
California	✓				✓
Colorado	✓				
Connecticut	✓				
Florida	✓				
Georgia			✓		
Idaho		✓			
Illinois	✓				
Indiana	✓				
Louisiana					✓
Maine	✓				
Maryland	✓				
Massachusetts			✓		
Michigan				✓	
Minnesota		✓	✓		
Mississippi	✓				✓
Montana			✓		
Nebraska			✓		✓
Nevada		✓			
New Jersey					✓
North Carolina		✓	✓		
Ohio	✓				
Oklahoma			✓		
Oregon			✓		
Pennsylvania		✓	✓		
Rhode Island	✓	✓			
South Carolina			✓		✓
Texas	✓		✓		✓
Virginia	✓				
Washington		✓	✓		✓
Wisconsin	✓				
Wyoming		✓			✓
U.S. Bureau of Prisons	✓				
Correctional Service Canada		✓			

* Indicates facility that is under DOC consideration and/or has not yet received outside funding approval.

through a variety of means. A number of DOCs use more than one approach to providing these services.

Mental health care—Service approaches described by DOCs include:

- One-on-one care on as-needed basis—8 DOCs (Georgia, Indiana, Maine, Maryland, Minnesota, Nebraska, Wyoming, and the Federal Bureau of Prisons).
- Mental health staff dedicated to unit or facility—7 DOCs (California, Maryland [planned facility], Mississippi, New Jersey, Oklahoma, Oregon, and Washington).
- Routine, scheduled screenings or visits—6 DOCs (Illinois, Michigan, Montana, Nevada, Pennsylvania, South Carolina, and Texas).
- Closed-circuit television, with possible follow-up by mental health staff—2 DOCs (Colorado and the Federal Bureau of Prisons).
- Clinic in the facility or unit—3 DOCs (California [separate Psychiatric Services Unit], Idaho, and the Correctional Service of Canada [20 specialized beds]).
- Crisis intervention only—1 DOC (Massachusetts).

Law library—Methods of access described by DOCs include:

- Materials delivered to cell on request—13 DOCs (Colorado, Georgia, Illinois, Indiana, Michigan, Minnesota, Montana, New Jersey, Nevada, Texas, Washington, Wyoming, and the Correctional Service of Canada).
- Satellite or mini-library on unit—9 DOCs (California, Illinois, Michigan, Oklahoma, Oregon, Pennsylvania, South Carolina, and the Federal Bureau of Prisons).
- Inmates escorted to law library—4 DOCs (Arizona, Idaho, Indiana, and Nebraska).

- Access provided as needed—2 DOCs (Maryland [materials are brought daily from another institution's library] and Rhode Island).

Religious observance—Chaplains are available to supermax inmates in all DOCs. Specific methods of providing for religious observance include:

- In cell, on request or through regular chaplain visits—17 DOCs (Connecticut, Georgia, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Washington, Wyoming, and the Federal Bureau of Prisons).
- Closed-circuit television or recordings of religious services—5 DOCs (Colorado, Nebraska, Nevada, South Carolina, and the Federal Bureau of Prisons).
- Religious materials available—3 DOCs (Arizona, Michigan, and Minnesota).
- Services provided in unit—2 DOCs (Montana and the Federal Bureau of Prisons).
- Cell-front services—1 DOC (Arizona).
- Services provided in counselor cubicle—1 DOC (Indiana).

Other programs. Most of the DOCs with supermax housing provide both library services (25 DOCs) and educational programming (21 DOCs) to these inmates. Additional programs mentioned by agencies include:

- Anger management—12 DOCs (Arizona, Colorado, Connecticut, Georgia, Idaho, Illinois, Mississippi, New Jersey, Oregon, Wyoming, the Federal Bureau of Prisons, and the Correctional Service of Canada).
- Substance abuse treatment—9 DOCs (Arizona, Colorado, Georgia, Illinois, Indiana, Oregon, Wyoming, the Federal Bureau of Prisons, and the Correctional Service of Canada).

- Recreation programming (defined by the survey as providing more than simply an opportunity for physical exercise)—8 DOCs (Arizona, California, Colorado, Connecticut, Georgia, New Jersey, Oregon, and the Federal Bureau of Prisons).
- Sex offender treatment—3 DOCs (Georgia, Oregon, and the Correctional Service of Canada).
- Life skills—2 DOCs (Illinois and Rhode Island).
- Gang de-programming—1 DOC (Colorado).
- Cognitive change—1 DOC (Oregon).
- Group programs—1 DOC (Oregon).
- Repeat offender programs—1 DOC (Oregon).
- Small group work—1 DOC (Pennsylvania).

Directions for Further Study

Because of differing definitions of supermax housing among the DOCs, few conclusions can be drawn from the survey results. Present data do, however, give rise to several questions and issues that may provide direc-

tion for study and program development by NIC. Among these questions are the following:

- Is "supermax" primarily a correctional architecture term that describes a new wave of prison construction? Is it an institutional/unit security designation? Is it a new inmate custody/confinement status associated with a changing inmate profile? Or is it a combination of these?
- In further study to assess the nature and extent of DOCs' participation and interest in supermax housing, is it more useful and appropriate to track the number of beds designated for supermax or the number of inmates who meet certain criteria related to conduct and dangerousness?
- At what programmatic point is a supermax bed or supermax inmate no longer "supermax," though still in a supermax setting? Should the cell or the inmate in it be considered supermax if the inmate has earned an institutional job, relaxed restrictions on movement, or other conditions comparable to those of a maximum general population inmate?

The preliminary findings discussed in this report, in combination with additional information gained through contacts with the field, will be the basis for NIC planning for activity in 1997 and beyond. ■

Appendix A. DOC Contacts on Supermax Issues

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Supermax Prisons: Overview and General Considerations

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Photos taken at Washington Department of Corrections' Clallam Bay Corrections Center.

Supermax Prisons: Overview and General Considerations

by

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Contents

Acknowledgments	iv
Foreword	v
Section 1. Introduction	1
Section 2. Survey and Survey Results	3
Section 3. History and Definition	5
History	5
Definition	5
Purpose	6
Admission/Release Criteria	6
Section 4. Operational Issues	8
Classification	8
Programming	9
Religion	10
Length of Stay	10
Human Contact	11
Medical Services	11
Mental Health Services	12
Food Service	12
Property	13
Hygiene and Sanitation Issues	13
Security	14
Policies and Procedures	14
Use of Force	14
Documentation	15
Section 5. Staff Issues	16
Personnel Characteristics	16
Recruitment and Selection	16
Training	17
Stress	17
Leadership and Supervision	17
Section 6. Siting, Design, and Construction Issues	19
Co-Located vs. Separate	19
Site Selection	19
Design Issues	19
Construction Costs	20
Implications for Operating Costs	21
Further Considerations	21
Section 7. Summary, Conclusions, and Recommendations	22
References and Bibliography	23
Appendix. Checklist of Considerations for an Extended Control Facility	25

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Numerous corrections professionals throughout the country were contacted in a follow-up to an NIC Information Center survey. They were, without exception, generous with their time in responding to questions.

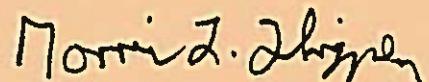
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Foreword

Units and programs for the management of dangerous and disruptive inmates have been a source of controversy in the field of corrections for many years. Although correctional approaches such as concentration, dispersal, and isolation are not new, the development of "supermax" prisons is a relatively recent trend. More than 30 states are operating one or more units or facilities created specifically for their corrections systems' most threatening inmates.

This document discusses issues that are germane to planning and operating supermax units. The author has more than 30 years of correctional experience, including planning and operating high-security prisons, and has served as director of two state departments of corrections.

We hope the document will contribute to the development of some common definitions where there is now broad divergence, enhance understanding of the myriad issues related to the management of violent and disruptive inmates, and provide benchmarks by which corrections systems may examine their need for specialized prisons or units for high-risk inmates.



Morris L. Thigpen, Director
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Section 1. Introduction

"Supermax" prisons—fad, trend, or wise investment?

Prisons historically have had "jails within prisons." Simply because people are in the controlled environment of a prison does not stop some of them from being assaultive or violent, attempting to escape, inciting disturbances, preying on weaker inmates, or otherwise exhibiting disruptive behavior. Such people must be removed from the general population of the prison environment while they threaten any of those behaviors. Order and safety are the priority objectives of any correctional facility.

Prison administrators have traditionally placed persons exhibiting such behaviors into separate housing units—generally called segregation, punitive segregation, disciplinary segregation, or some other name that differentiates the unit from general population housing. In recent years, particularly since the significant involvement of the federal courts in the 1970s and 1980s, this has ordinarily been accomplished after due process hearings and a finding of guilt. In disciplinary placements, the inmate would be given a specific amount of time to serve based on the seriousness and frequency of the violation(s). Other inmates who were repeat offenders or very serious violators of critical institutional rules would be individually confined and segregated from the general population until it was believed they no longer threatened to prey, incite, assault, or escape. Isolated housing has also been used for protective custody inmates who might be at risk from other inmates as well as for other "special" populations, such as inmates who are on death row, HIV-positive, or mentally ill.

In the last few years, many jurisdictions across the country have built or renovated prison facilities or units with the express purpose of incarcerating inmates under highly isolated conditions with severely limited access to programs, exercise, staff, or other inmates. Other jurisdictions are in various stages of considering or planning such units or facilities though a faction made up of corrections officials, inmates, and inmate advocates has raised concerns about, or even condemned, them. They suggest they are "cruel and inhumane," susceptible to abuses, and damaging to the inmates housed in them. Many corrections officials have defend-

ed the need for such facilities based on the perceived "toughening" of the inmate population, increased gang activity, the difficulty of maintaining order in severely crowded prisons, and from experience gained over time that suggests such units are beneficial.

Use of such facilities also represents a philosophical change, moving from what Professor David Ward and Mr. Norman Carlson, in their article entitled "Super-Maximum Custody Prisons in the United States," termed the "dispersion" approach to the "concentration" approach for the handling of troublesome inmates. Many agencies in the past would spread their troublemakers around the system or in various units of a prison and, in some instances, house them in other states or with the Federal Bureau of Prisons. This dispersal of problem inmates would be an attempt to prevent them from uniting in their misconduct and also allow staff at a given institution to gain a measure of relief from dealing with the same troublemakers over an extended period of time. This approach also enabled prison officials to break up cliques and gangs, but the success of the approach was—and is—at least partially dependent on the number and types of correctional facilities available at various custody levels.

The more recent "concentration" approach creates specific units or facilities to manage this troublesome type of inmate in a high-security environment, generally isolated from all other inmates. The premise is that general population prisons will be more easily and safely managed if the troublemakers are completely removed.

In some places, these highly focused institutions have been a component of "tough on crime" agendas touted by elected officials, combating the assertions of many observers that "prisons are like country clubs." In other jurisdictions, they have been proposed by corrections officials to meet the existing or projected need to isolate identified individuals or groups of inmates from the general population to enhance the management of their facilities. Whatever the motivation for building such facilities, the number of them already in operation, under construction, planned, or proposed has increased significantly over the last several years. More than 30 states report they are operating one or more such units or facilities.

These units and facilities are significantly more expensive to build than traditional general population prisons, due in part to the enhanced and extensive security features on locks, doors, and perimeters; reinforced walls, ceilings, and floors; and, frequently, the incorporation of advanced electronic systems and technology. Their operating costs have proven to be much greater also. Providing meals and other services at individual cell fronts, multiple-officer escorts, and maintenance of elaborate electronic systems are examples of things that add up quickly. The number of correctional officers required to assure both internal and external security, movement of inmates, security searches of cells, and the delivery of food and other supplies and services to individual cells generally drives staffing ratios—and therefore operating costs—much higher than those of general population prisons.

The cost, cost-benefit, operating, legal, and ethical/moral issues of such facilities also raise a great deal of debate. Little is known about the impact of locking an inmate in an isolated cell for an average of 23 hours per day with limited human interaction, little constructive activity, and an environment that assures maximum control over the individual. Are potential negative effects greater after an individual has been in such a facility for three months, one year, three years, five years, or more? Do extended isolation, absence of normal stimuli, and a controlling environment result in damage to an inmate's psyche? Research in this area is sparse. That which does exist tends to focus on the eventual recidivist criminal behavior—either in or out of prison—rather than on the potential psychological damage to the inmate.

Very little is known about the effect of these facilities on inmates with existing mental illnesses or developmental disabilities. Are certain types of mentally ill inmates made worse? Can they be treated effectively in this type of environment? Again, little research is available to help us evaluate the efficacy of such placements.

Proponents point to reductions in assaults on inmates and staff and other serious incidents throughout the entire corrections system since the establishment of such facilities. There exists little or no hard data comparing such perceived impacts on entire systems versus the fiscal cost to gain such results, although anecdotal information is common.

Generally, the overall constitutionality of these programs remains unclear.

The impact of supermax facilities on staff working there has also been a subject of much discussion over the last several years, ranging from the need to pick very experienced staff to the heightened levels of stress that they experience. Having to deal on a daily basis with inmates who have proven to be the most troublesome—in an environment that prioritizes human control and isolation—presents line staff, supervisors, and facility administrators with extraordinary challenges. Correctional administrators with experience in operating supermax facilities talk about the potential for creating a “we/they syndrome” between staff and inmates. The nature and reputation of the inmate and frequently the behavior combined with ultra-control and rigidity magnify the tension between inmates and staff. When there is little interaction except in control situations, the adversarial nature of the relationships tends to be one of dominance and, in return, resistance on both sides.

Generally, the overall constitutionality of these programs remains unclear. As larger numbers of inmates with a greater diversity of characteristics, backgrounds, and behaviors are incarcerated in these facilities, the likelihood of legal challenge is increased. Caution in expanding the types and number of inmates placed in these facilities will serve all parties well. A discussion of legal issues relevant to supermax facilities is contained in a forthcoming National Institute of Corrections (NIC) publication entitled *Supermax Prisons: Legal Issues and Considerations*.

It is important then to assist agencies that are operating such facilities in asking the right questions about how they are operated. It is equally important to assist jurisdictions that are planning such facilities to ask the right questions about who they intend to put there, what design considerations they should explore, and how the facility will be operated. And, finally, it is important to assist jurisdictions that are yet or will be debating the issue, by providing as much information as possible to help frame the debate. A checklist contained in the appendix to this document was developed to guide practitioners' discussions.

Section 2. Survey and Survey Results

In 1997, the NIC Prisons Division and Information Center released a *Special Issues in Corrections* paper entitled "Supermax Housing: A Survey of Current Practices," based on a December 1996 survey of corrections systems nationwide. Responses were received from the 50 state corrections departments; the Federal Bureau of Prisons; the Correctional Service of Canada; and the New York City, Cook County, and District of Columbia Departments of Corrections. For the purposes of the survey, supermax housing was defined as follows:

"A freestanding facility, or a distinct unit within a freestanding facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously 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 access to staff and other inmates."

Survey results revealed that jurisdictions do not share a common definition of supermax due to their differing needs, classification criteria and methods, and operational considerations. It became clear that what may be "supermax" in one jurisdiction may not be in another. Examples of how differently jurisdictions define supermax and its operations follow.

- One jurisdiction with approximately 20,000 inmates anticipates a need for supermax housing for 1% of its inmate population. It currently operates a 50-bed supermax unit within a maximum-security prison and is planning an additional 150 to 175 beds. Inmates housed in this unit have been unable or unwilling to conform to the rules and regulations of administrative segregation and have a history of violent, assaultive, and/or disruptive behavior within the corrections system. The minimum length of stay in supermax is 18 months.
- Another jurisdiction with an inmate population under 15,000 reports a need for supermax housing for 5% of its inmate population. It reports as "supermax" a 500-bed prison for inmates in administrative segregation status. This facility

houses inmates in several levels of transition to general population.

- A third jurisdiction, with about 30,000 inmates, projects a need for 20% of its capacity to be supermax beds. It currently operates two facilities, with over 1,000 beds collectively, that it describes as supermax and reports plans to nearly double that number. These facilities house all new arrivals to the prison system, who are placed in maximum confinement requiring movement in restraints and living restrictions akin to segregation conditions. Inmates in the next lower custody classification live in medium-security units under medium-custody restrictions.
- Two other jurisdictions, one with an inmate population of more than 100,000 and the other with nearly 45,000 inmates, each report having a supermax facility of approximately 500 beds designated to house inmates who have threatened or injured other prisoners or staff; possessed deadly weapons or dangerous drugs; disrupted the orderly operation of a prison; or escaped or attempted to escape in a manner that involved injury, threat of life, or use of deadly weapons. These jurisdictions report a need for supermax housing for .5% to 1% of their inmate populations.

The survey revealed that some supermax facilities house only inmates who could not be controlled in traditional administrative segregation conditions. Others are an extension or expansion of traditional segregation or administrative segregation and may house protective custody and/or disciplinary segregation inmates. Yet others house inmates who would reside in close-custody general population in most other jurisdictions.

In some jurisdictions, mentally ill inmates are specifically excluded from the supermax population while, in others, this level of control is considered necessary because of the paucity of mental health resources available in the system. Some agencies include transition programs in their supermax facilities that provide opportunity to earn privileges similar to those available to maximum or close general population inmates. A supermax unit within a high-custody facility does not

usually have transition beds as would be found in a free-standing supermax facility.

Several general conclusions can be drawn from the survey:

- There is no universal definition of what supermax facilities are and who should be placed in them.
- The current and projected reasons stated for needing supermax space vary widely among jurisdictions, including increased violence, legislative interest, and availability of federal funds for such construction.
- The reported need for supermax beds ranges from 0% to 20% of the reporting jurisdictions' total bed capacity.
- Some jurisdictions use supermax facilities interchangeably with disciplinary and/or administrative segregation.
- The process for admission to and release from supermax facilities varies widely, with the final approving authority ranging from the institution superintendent/warden to the director/commissioner of the department of corrections.
- Jurisdictions operating supermax housing vary widely in the length of time they hold inmates there. Some have determinate timeframes and some indeterminate.

- The inclusion or exclusion of mentally ill and developmentally disabled inmates differs greatly among jurisdictions.

- Programs available in supermax facilities range from none, to cell front only, to televised programming, to some congregate programming.
- Some jurisdictions provide transition programming to assist those leaving the extended control unit, while others do not.

Supermax as defined in the survey may exist in relatively few jurisdictions. The survey results suggest that in some jurisdictions "supermax" may be primarily a correctional architecture term that describes a type of prison construction and a decision to concentrate higher risk inmates while, in other jurisdictions, it may be a new custody or confinement status associated with a changing inmate profile. The "supermax count" in the reporting jurisdictions includes inmates ranging from the most intractable to those who would reside in close or maximum general population in some other jurisdictions. The lack of a universal definition suggests the need for further examination and determination of whether "supermax" should be a custody/confinement status or a facility/unit security designation.

Section 3. History and Definition

History

Various versions of high-custody and high-control prisons have existed in this country over the years. Prisons dating back to the earliest settlers operated a variety of isolation cells or units commonly referred to as "the hole" and generally used as a form of extra punishment for those who violated a prison's rules repeatedly or egregiously.

Commonly recognized as the forerunner of today's supermax facilities, Alcatraz became the high-security penitentiary for "habitual" and "intractable" federal prisoners in 1934. Until its closure in 1963, Alcatraz housed the federal government's most highly publicized offenders, its most sophisticated prison escape artists and riot leaders, and its most assaultive inmates.

Alcatraz was closed in an era in which rehabilitation had become the primary rationale for penal confinement. The "concentration model" was abandoned, and inmates at Alcatraz were dispersed to federal penitentiaries across the country. Then, in 1978, the level of assaults and violence directed toward staff and prison unrest prompted the development of a special high-security control unit at the U.S. Penitentiary in Marion, Illinois. In 1983, the deaths of two officers and an inmate resulted in this prison's conversion to indefinite administrative segregation, or lockdown. Marion housed the Bureau of Prisons' most violent and troublesome prisoners until the opening of the Administrative Maximum Penitentiary in Florence, Colorado, in 1994.

Although many of the state corrections systems have historically targeted one or more of their prisons for the most threatening prisoners, seldom have those prisons operated on a total lockdown basis as normal routine. Even prisons designated as maximum security have generally allowed movement, inmate interaction, congregate programs, and work opportunities.

They have become political symbols of how "tough" a jurisdiction has become.

As correctional populations have escalated in recent years, prison crowding has become the norm in most jurisdictions. Most prisons across the country have been operating at well over 100% of design capacity. This crowding aggravated by the increase in street gang members, drug offenders, mentally ill, and youthful offenders has stressed the prisons and corrections systems. Maintaining order has been a daunting challenge for prison wardens and corrections system administrators. One response on the part of prison officials in many jurisdictions, in attempting to maintain control, has been the introduction of supermax units or facilities.

The trend toward proliferation of supermax housing would appear to be at least partially related to the belief that maintaining order in the larger part of a prison—or an entire corrections system—is enhanced by isolating the most serious and chronic troublemakers from the general population. In fact, many corrections officials state that the mere threat of such units is preventative in nature—that many inmates who might otherwise be disruptive are not, due to their fear of placement there.

The fact that such facilities often are politically and publicly attractive (despite the considerable cost to build and operate them) also has had a role in their increase nationwide. They have become political symbols of how "tough" a jurisdiction has become. In some places, the motivation to build a supermax has come not from corrections officials, but from the legislature and—in at least one instance—the governor.

Definition

As supermax prisons have increased in number, been reported on by the media, and gained popularity with the public, a variety of names have emerged around the country to describe them. Special housing unit, maxi-maxi, maximum control facility, secured housing unit, intensive housing unit, intensive management unit, and administrative maximum penitentiary are but a few of the names used. The term "supermax" is the one heard most frequently in the media and in the field of corrections—the "generic descriptor." Yet, as learned from the NIC survey, the term is applied to a wide variety of facilities and programs handling an equally wide variety of inmate populations.

For purposes of this report, we will describe supermax as "a highly restrictive, high-custody *housing unit* within a secure facility, or an *entire secure facility*, that isolates inmates from the general prison population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from high-custody facility(s), or inciting or threatening to incite disturbances in a correctional institution." The term "facility" is used throughout this report for brevity to refer to either or both a *unit* within a facility or an entire *separate facility*. It is assumed that such a facility would be operated with the majority of services and programs provided at cell front, that movement from the cell would be in restraints with multiple-officer escort, and that overall security would be the highest level available in an institution or the corrections system.

It is important for agencies to develop a working definition if they want to properly evaluate an existing supermax facility or if they are planning to build and/or operate one. Differentiating these programs from traditional segregation units is essential if they are to be planned and operated efficiently and defensibly. Ambiguity in definition inhibits the ability of the corrections profession to develop sound models that may be readily adapted across jurisdictions with relative assurance that they will meet legal challenges, humane expectations, and generally accepted professional standards. In actuality, formal standards (such as those promulgated by the American Correctional Association and American Bar Association for correctional facilities) do not exist for supermax facilities specifically.

Purpose

The combined best thinking of professionals who have administered, developed, operated, and/or planned such programs 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 to and release from such a facility should be explicit and narrow. The use of these facilities for problem inmates for whom lesser levels of control may be satisfactory may deprive them of freedoms, education, treatment, and work opportunities from which they could reap significant benefits and may subject them to pressures detrimental to their physical and psychological health.

Mixing disciplinary segregation and protective custody populations with extended control populations runs the risk of overkill in the custody and security provided to inmates who have traditionally been handled without such rigorous and expensive control features. Few inmates serving short disciplinary segregation sanctions require the 22-hour-plus lockdown status, the privilege reductions, and the multiple-officer movement practices that extended control units generally employ.

Admission/Release Criteria

Critical to developing a working definition for an extended control facility is determining who will be in it. "Extended control" suggests that inmates who have demonstrated that they are chronically violent or assaultive, who present a serious escape risk, or who have demonstrated a capacity to incite disturbances or otherwise are threatening the orderly operation of the general population institution may become target populations. Thought should be given to limiting the use of extended control housing to inmates who present a "clear and present danger."

In clearly defining the population that is appropriate for extended control housing, agencies should also identify housing and placement criteria for inmates for whom lesser levels of security and custody may be appropriate, including:

- those who are uncontrollable due to mental illness,
- the incorrigible who are subject to frequent disciplinary segregation,
- those in need of protective custody,
- those in need of administrative confinement for reasons that may require separation but not extended control,
- those requiring observation because of unacceptable or problematic adjustment.

Use of extended control housing for inmates who have only been situationally assaultive, or who commit minor (albeit frequent) infractions, or who cannot control their behavior due to mental illness will simply consume very expensive high-security beds with little overall operational impact.

Prison staff have always had to deal with uncooperative inmates. They continuously test the limits, frequently break minor rules, and consume an inordinate amount of staff time. As comforting as it may be to an institution staff to be rid of such persons, the use of costly high-custody beds for this population is probably not only inefficient, but arguably overkill. These facilities are inappropriate for the nuisance inmate.

Underlying the challenge of who to put in such facilities is the question of whether placement should rely solely on actual behavior or also include individuals who *could* be troublesome. Attempting to use predictive criteria based on subjective information has led historically to unsatisfactory and possibly indefensible results. Most agencies, therefore, base their criteria on objective behavior-driven information—although that behavior may include only the threat to commit or incite violence, or to escape.

In addition to the target population for which extended control housing is designed, consideration must also be given to the inmates other than the target population who may reside in the facility. Terms of definition are frequently applied to both the facility and the residents. Often, a labeling process takes place and inmates housed in supermax facilities are known, counted, and treated as supermax inmates even though they may be in a transition program or assigned to another program in the facility.

These facilities are inappropriate for the nuisance inmate.

In large extended control facilities in which a portion of the population is close or maximum custody—with some general population movement capabilities—all inmates are often viewed as supermax or at least more difficult than “regular” maximum-custody inmates in other facilities. They may even view themselves as supermax inmates, and staff may subject them to controls and surveillance well beyond what their particular status demands, ascribing to them levels of threat far beyond reality. Viewing inmates who are not actually in extended control status as such may be a self-fulfilling prophecy that diminishes progress or leads to a deterioration of behavior on the part of the inmates.

Release criteria must also be given serious thought by the agency operating an extended control facility. Whether based on explicit timeframes, behavioral expectations, or combinations of both, it is important that the inmate be informed as to the conditions under which he/she may be released. With the goal of safely transferring inmates to lesser custody as soon as feasible, facility and central administration staff should conduct regular reviews of each inmate to assess the necessity of retaining him/her in the extended control environment. This becomes even more essential as a sentence nears its end and the inmate may be released to the community.

Section 4. Operational Issues

Many management and operational issues gain heightened importance in extended control facilities. Some of these are:

- The criteria by which inmates are admitted to or excluded from the facilities,
- How inmates are managed,
- The services they are provided,
- The manner in which they are expected to behave,
- The amount of human contact they have,
- The allowable use of force and control of the use of force,
- The criteria and process for release from extended control.

The potential for abuse in an environment that prioritizes control of human beings, who by definition or in reality are the "worst of the worst," can be mitigated by thoughtful attention to the manner in which such facilities are operated.

The agency and facility mission and objectives, which include humane treatment, reduction of anger and violence, and reintegration into general population, should be clearly stated and affirmed in operations, programs, and staff training. The agency planning to operate such a facility, or evaluating its existing operation, should recognize the critical importance of the extended control mission and operational practices, including those discussed next.

Classification

Most prison classification systems have evolved over the last two decades from very subjective means of classifying inmates to relatively objective systems. This move toward objectivity has occurred mainly to avoid unbridled discretion and to incorporate into classification instruments the philosophical and policy preferences significant to the agency.

Typically the classification process will allow for

the orderly determination of the level of custody an inmate requires, based on criminal and behavioral history; the medical, psychological, and programmatic needs and limitations of the inmate; and the type of institution that can best meet those considerations. Objective classification systems have not only helped correctional agencies defend their placement decisions when challenged, but have helped them attempt to place individuals in the least-restrictive facility—and therefore presumably the least costly. Objective classification systems also generally provide inmates with a known path for moving to less secure facilities and incentives for behaving appropriately, working, and pursuing improvement programs.

It is therefore wise for agencies that are operating or planning to operate extended control facilities to assure that the process for identifying inmates for placement there is at least consistent with and preferably an integral part of the agency's classification process. This will probably assist in legal defense of the placements as well as help avoid the overuse—or inappropriate use—of very expensive housing. Inherent in using the classification process to determine an inmate's eligibility for extended control is that the criteria for admission are clearly articulated, non-ambiguous, and consistent with the agency's disciplinary process.

Many agencies operate under administrative rule or policy that provides a mechanism and authorization for placement of an inmate in administrative confinement or segregation when he/she is deemed to be a threat to the safety, security, or orderly operation of the institution. This is often a non-disciplinary status—that is, the placement is not a penalty with a determinate time affixed to it, but is based on a pattern or history of dangerousness or unconfirmed but reliable evidence of pending disruption.

With the advent of extended control facilities and specific criteria for placement, agencies should carefully consider what impact the need or requirement to provide objective or behaviorally based criteria for admission there would have on administrative segregation decisions. In many agencies, administrative segregation of an inmate who may be a threat to safety, security, or order is an approved remedy without application of

objective criteria or verified misconduct. Wardens periodically invoke this procedure as a preventative or protective measure based on strong belief that an inmate's continued presence in the general population may create a threat to safety and security. Following periodic reviews, segregation of such inmates may then be continued, despite exemplary behavior in segregation, because of the strong belief that the inmate's violent proclivities and/or intentions to harm others or threaten security of the facility when given the opportunity remain unchanged.

Hans Toch and Kenneth Adams, in *The Disturbed Violent Offender*, discuss the management of offenders who are viewed as having mental health deficiencies and who are violent. They differentiate between the *disturbed* violent offender and the disturbed *violent* offender. Herein lies one of the numerous classification difficulties related to the protection of others by segregation of offenders with a history and potential of violence. Diagnosis, prediction, risk assessment, and identification of causal factors to violent acting out often defy objective criteria and invite a significant degree of subjectivity. Prison administrators should be cognizant of that difficulty in defining admission, release, and length of stay criteria.

Once an inmate is placed in an extended control facility, specific classification review periods are advisable, either chronological or event-driven, or both. The reviews should provide the inmate with the opportunity to offer information that would lead to consideration of a reduced custody placement and to be informed of the conditions that must be met for such consideration.

It would be prudent to have the final authority for approving admission to, retention in, and release from an extended control facility rest at the highest levels of the organization. This would preclude—or minimize—potential abuse of the policy criteria for admission and release and also raise the level of organizational consciousness of the seriousness of such placements.

Programming

Decisions on what types of programming to provide and how should be well thought out. Obviously the more programs available to the inmates, the less vulnerable the facility will be to legal challenge and the more likely that inmates' negative reaction to isolation will be ameliorated. Programming for this purpose includes

education, work opportunities, exercise, and various other programs aimed at improving the inmates' behavior, knowledge, or skills.

It would be prudent to have the final authority for approving admission to, retention in, and release from extended control rest at the highest levels of the organization.

Education is provided in a variety of ways in extended control facilities around the country. Some agencies allow television in the cells and provide education or self-help programs through intra-institution cable. Some supplement this with instructors providing assistance through cell-front visits. Others allow small congregate classes in day rooms or special rooms in close proximity to the housing units. Some provide no educational programs at all.

Most allow no work activities, although they might provide some work opportunities in transition programs for inmates being prepared to leave the extended control environment.

Exercise in most extended control facilities is limited to three to seven hours (in one-hour intervals) per week, generally in an indoor space or small, secure, attached outdoor space. Usually exercise is provided to one inmate at a time and the inmate is escorted in restraints by two or more correctional officers to and from the exercise space. Congregate exercise occurs only in transition programs provided in some facilities.

Agencies evaluating their extended control facilities or planning new ones should pay close attention to exercise and how they provide it. It is a critical issue not only because of the human, health, and legal issues it presents, but for the staffing cost and security implications. The number of staff required to move each inmate from a cell to the exercise space and back three to seven times each week is considerable. As these events also constitute the most frequent time that the inmate is out of his/her cell, they also present the most likely opportunity for resistive or combative behavior or the exchange or introduction of contraband.

Most other types of programming offered in

extended control facilities, such as substance abuse treatment, anger management, and vocational training, are provided only through television, correspondence, or written materials. Several agencies operating transition units offer congregate programming, generally concentrating on education, substance abuse treatment, and behavior control (such as anger management).

Agencies planning or evaluating extended control facilities would be well served to thoughtfully address the provision of inmate programs. Legal, human, financial, and security implications attach to each of the choices made. The choices can range from an approach of no more programming than is legally required to provision of as much programming as resources allow, consistent with the security needs of the facility. The choices made will set the tone for the overall nature of the extended control environment and will inevitably have an impact on the quality of the program.

Religion

Providing for the inmate to practice his/her religion poses particular challenges to extended control facility administrators, since the entry of any person to the housing unit presents additional opportunity for the introduction of contraband. Agencies operating extended control facilities usually provide for religious programming through cell-front visits by staff chaplains; approved clergy; or, in some instances, approved religious volunteers. Several agencies provide religious services and information through closed-circuit television available in the cells. A few allow small groups of inmates to participate in congregate services, normally in or immediately adjacent to the housing unit.

Extended control facilities also tend to have somewhat abbreviated lists of approved religious articles that inmates are allowed to keep in their cells. Those planning such programs should review their intended religious articles allowance lists and try to strike a balance between actual security needs and the inmate's right to practice his/her religion.

Length of Stay

The length of stay in extended control facilities varies greatly across jurisdictions. Some agencies have determinate periods of time to be served, but most have relatively or wholly indeterminate placements. The amount of time served may depend upon the perceived risk the inmate presents, behavior changes, the amount

of time left in the inmate's sentence, changes in the inmate's physical or psychological condition, the inmate's willingness to renounce gang ties, or other factors.

The ongoing agency need for extended control beds requires some movement of inmates out of extended control. To the extent possible, such movement should be based upon clear criteria related to the factors that led to the inmate's placement there. While specific categories of offense or violation, such as homicide, may merit a far-distant date for possible return to lesser custody, most inmates should be considered for reduced custody in the shorter term. The development of release criteria that enable estimating length of stay is of practical importance in maintaining bed availability and projecting the agency's bed needs for operating and capital budget planning purposes.

It is critical that the agency planning or evaluating an extended control facility consciously address the length-of-stay issue. Duration of certain types of confinement, particularly if that confinement is atypical of the norm, has frequently been one of the yardsticks courts have used in evaluating the constitutionality of a program.

Presumably, once the threat that the inmate presented to other people or the orderly operation of the institution has passed, there is no need for him/her to be retained in an extended control environment. Ideally, specific criteria should be developed, along with a process for assessment, that would allow the inmate to transition from an extended control facility to lesser levels of custody and security. Many agencies provide several levels of control and privileges in the same facility, offering the inmate the opportunity to display the ability to adjust and behave in a less-controlled environment. Failure to provide some transition or release mechanism will not only create a sense of hopelessness among many of the inmates, but will cause the overuse of costly high-security beds.

Corrections professionals agree that, ideally, dangerous inmates should not be released directly to the community from extended control and that transition and pre-release programming would prepare them for reintegration. It is difficult, however, to balance the inmate's need for such programming with the agency's responsibility to provide a safe and secure work environment for its staff. An approaching release date seldom, if ever, changes the degree of threat to staff for

the better. Most often, inmates who are dangerous pose greater threat to staff as the term of control by the agency decreases. An agency's policies should address this very important but difficult issue.

Human Contact

One of the most frequent criticisms of extended control facilities is the degree to which the inmate is isolated from contact with other human beings. In the typical facility, cell doors, unit doors, and shower doors are operated remotely from a control center. Human contact may be limited to instances when medical staff, clergy, or a counselor stops at the front of the inmate's cell during rounds. Physical contact may be limited to being touched through a security door by a correctional officer while being placed in restraints or having restraints removed. The bulk of verbal communication may occur through intercom systems. Further minimization of human contact may result from the use of technologies such as cameras; remote listening devices; and remote control devices for televisions, water, and lights.



Care should be taken by those planning and evaluating extended control facilities to balance the need for security, safety, and efficiency with the need to provide adequate human interaction between the inmate and selected staff. Adequate visiting programs for approved visitors—albeit in non-contact visiting areas—can at least partially compensate for the absence of human contact in the housing unit. The frequency of

visiting varies greatly among extended control facilities, ranging from one hour to several hours per month. Some facilities tie the frequency of visits to the phase of the program that the inmate is in, with more frequent visits allowed as the inmate progresses through the phases.

Specific scheduling of different staff who check on the inmate regularly and provide some verbal interaction opportunity will help mitigate the "we/them" syndrome that is inherent to an extended control environment. Special training in techniques for communicating with this population is advisable for all staff.

Medical Services

One of the most vulnerable parts of any correctional operation is the medical care provided to an inmate population. The less freedom an inmate has to seek out medical assistance, the greater the burden on corrections officials to assure that adequate medical care is available and provided. Agencies planning or evaluating extended control facilities must assure that they adequately provide for routine and emergency medical care and that policies, procedures, and training assure that all staff are alert to actual medical problems and needs.

Logistically, providing appropriate medical care in an extended control facility is a special challenge due to the inability of the inmate to move unescorted to a central medical infirmary. Most facilities use a triage process for providing medical services, involving regular cell-front visits by medical personnel to administer medication and listen to inmates' medical concerns. Many facilities regularly schedule medical personnel to perform simple examinations in small exam rooms located in or near the housing units. More extensive medical examinations or procedures usually require movement to a central location within the facility, to a different facility, or even to a community setting. This requires a significant investment of custody staff time—generally two or three correctional officers accompanying the inmate, who is in restraints, at all times.

The inclusion of modern equipment and technology in the facility—such as specially designed video equipment that allows conducting medical examinations from a remote site (telemedicine)—has proven effective in some jurisdictions. Such technology can reduce the need for inmate transport and thereby reduce the cost of custody staff and enhance security.

Mental Health Services

Prominent in recent legal challenges to extended control facilities are issues around the provision of mental health services. As the percentage of mentally ill offenders represented in correctional populations has grown over the last decade, corrections systems have had to deal with a wide range of mental illnesses and disorders, frequently without adequate resources. Inmates displaying self-destructive, assaultive, or aberrant behavior often end up being treated solely as disciplinary cases and, in many corrections systems, become prime candidates for extended control. Other inmates become mentally ill while in the extended control environment.

Most corrections officials will agree that the inmate with multiple diagnoses (for example, mental illness, addiction, and violence) poses significant problems in the orderly operation of a prison. It is an unfortunate circumstance that housing, program, and offender management decisions must often be based on options available (driven by the agency's resources) and system needs (safe, secure, and orderly operations), rather than through a prioritization of the multiply diagnosed offender's needs. An offender with a serious history of violence and current propensities that suggest probable reoccurrence of such behaviors might possibly be housed in an extended control environment—absent the availability of a secure mental health treatment unit.

Agencies with extended control facilities manage this population in different ways. Some—generally larger agencies that have the numbers to support consolidation—have created separate segregation units specifically for offenders diagnosed as mentally ill. Others attempt to provide services within the extended control facility. Yet others exclude mentally ill offenders from placement there, at least those who have been clinically diagnosed and/or are receiving psychotropic medications. It is important that prison officials examine their options in managing inmates with special needs.

If extended control becomes the housing of choice (or of necessity) for these populations, care must be taken to assure that services are provided to address their needs. It is critical that, at a minimum, provision is made for mental health professional staff to regularly visit each inmate housed there to assess for signs of mental illness. Provision then must be made to assure that treatment is available in the facility or elsewhere.

Security measures in most extended control facilities make such assessment and treatment programs difficult and expensive. To facilitate recognition of symptoms of mental illness, early referral, and proper management, many agencies are now providing basic mental health training to correctional officers.

Insofar as possible, mentally ill inmates should be excluded from extended control facilities. Each inmate being considered for such a facility should have a mental health evaluation. Although some mentally ill offenders are assaultive and require control measures, much of the regime common to extended control facilities may be unnecessary, and even counterproductive, for this population.

Food Service

Correctional administrators have learned over the years that providing adequate, nutritionally balanced, properly cooked food is essential—both for the successful management of a prison and to meet constitutional minima when conditions of confinement are challenged.

Extended control facilities provide the ultimate correctional food service challenge. Normally meals are prepared remotely from the extended control housing unit(s). They then must be moved to the housing units and distributed to each cell. A variety of cart and tray



systems are currently in use, but all are staff intensive and time consuming. Care must be taken that food is maintained at the proper temperature and that proper hygiene precautions are followed during distribution and cleanup. In most facilities this burden falls entirely on staff—normally the custody staff—and can be a daily source of conflict and resistance if the food and/or procedures are inadequate.

All of the other complexities of correctional food service should also be considered by those evaluating an extended control facility or planning a new one. These include quantity and quality control, religious diets, medical diets, and presentation. Adherence to normally accepted dietary standards should be maintained, and food service and facility managers should monitor this.

Property

The property an inmate is allowed to possess always poses a challenge for prison administrators, but even more so in extended control facilities. On one hand, allowing the inmate to maintain certain types of property (such as a television, radio, and recreational reading materials) would help mitigate the absence of other stimuli. The more property allowed, however, the more difficult it is for staff to conduct thorough searches. A large amount of property in housing units makes the introduction and concealment of contraband much easier. It may present a fire hazard, as well as make maintenance of sanitation standards more difficult.

Careful evaluation of property to be allowed should strike a balance between the security, safety, and sanitation needs of the facility and a property allowance that supports reasonable human dignity. Particular attention must be given to items that could present a security threat: razors, pens, matches, etc. Agencies vary widely in what and how much they allow. Some allow commissary purchases, some allow them only after certain phases of the program have been completed, and some disallow such purchases entirely. Critical to planning or evaluation efforts is that such decisions must be commensurate with the level of risk presented by the specific population of the facility.

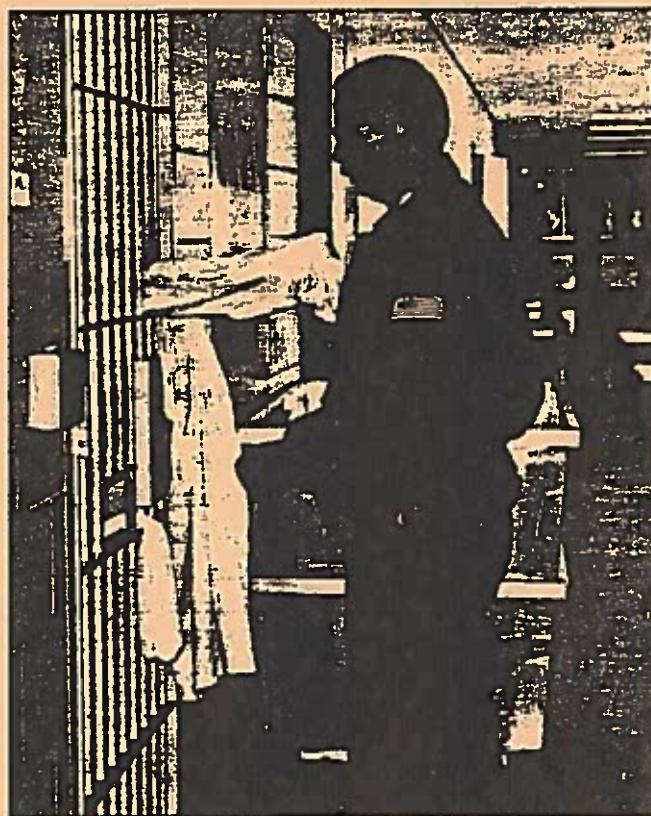
Hygiene and Sanitation Issues

Inmate personal hygiene and cleanliness of the facility are important when planning or evaluating extended control options. Most facilities have toilet and washbasin fixtures in each cell and showers located

centrally within the housing units. Two or more correctional officers move inmates individually in restraints to the shower (normally three or more times per week). This is a staff-intensive process that presents an opportunity for resistance, combativeness, or contraband introduction. Recent designs for extended control facilities include a shower in each cell with the water remotely controlled, thereby eliminating the need for staff-intensive escort to central showers.

Incentives, disincentives, or both should be incorporated as part of the facility's policies to encourage inmates to maintain acceptable levels of sanitation in their cells. Policies should be developed to govern the distribution of materials and equipment to inmates for cleaning their cells.

Efficient, hygienic laundry services must be available, and routine linen and clothing exchange procedures maintained and monitored. Excess linen and clothing in the cells becomes both a sanitation and facility budget issue and makes it difficult to conduct good cell searches.



Sanitation of other parts of the facility and other hygiene issues must also be taken into account. Since extended control inmates are restricted to their cells

unless in restraints and under escort, they cannot perform cleaning or other facility maintenance work in common areas that inmates in a general population prison would typically do. Accommodation must then be made for staff to maintain these areas.

Security

Security issues clearly become the focal point of most extended control facilities. If indeed the inmate population held there is limited to those who have displayed a propensity for violence or escape, or who present a threat of disruption within a prison, then strict control of all materials, information, and personnel entering or leaving the facility becomes crucial to its orderly and safe operation.

Many security issues are dependent upon the physical design, and proper design can go a long way in ameliorating many security problems. However, the greatest contribution to a sound security program is an alert, well-trained, professional staff. With few exceptions, escapes, disturbances, and homicides in extended control facilities were the result of human error.

The routine inherent to these facilities can become disarming, leading to potential breakdown in critical procedures. Some agencies, by policy or scheduling, attempt to lessen the effects of routine by rotating staff in the housing units, between units, or into other parts of the facility. Frequent shakedowns of the cells and areas of the facility that inmates may use are essential and require extensive staff training and supervision if they are to be conducted properly.

Technology can contribute to a sound security program. A variety of options are now available for staff and visitor screening, and new types of scanners and detectors for examining property and mail. New types of perimeters, security doors, and control mechanisms can enhance security. Particular attention should be paid to those technologies that not only qualitatively improve the facility's security, but also reduce staffing requirements.

Policies and Procedures

Particularly critical to the operation of extended control facilities are policies that enumerate *what* must be done (or not be done) and procedures that dictate *how* things should be done. The policies should clearly state the correctional agency's philosophy and expectations

for the operation of the extended control facility, along with explicit procedures for how and when which things should be accomplished.

Staff must be thoroughly trained on policies and procedures that apply to them and be aware of who, if anyone, can make exceptions. The policies should elaborate on the behavior expected of both staff and inmates, as well as *between* staff and inmates. Operational difficulties in the past generally were the result of inadequate policies and procedures, failure to adequately train staff, or both.

Communication of changes in policies and procedures must be quick and thorough. As in other correctional settings, the legality of operations in extended control facilities will be measured against the facility's or agency's own policies and procedures and whether staff performance is consistent with those policies and procedures.

A formal, official, frequent, and ongoing updating of policies and procedures is essential. Informal exceptions, handwritten modifications, and memoranda at variance with existing policies or procedures quickly render them ineffective, if not useless. If operations or incidents are challenged in court, the facility's policies and procedures will become its greatest ally or greatest adversary.

Routine security audits are excellent tools to ensure compliance with established policies and procedures. A comprehensive audit program and well-designed system checks that assess staff response, equipment, and operational practices will help assure a strong security system. Such a program will also maintain the knowledge and skill levels of the staff and reinforce their attentiveness.

Use of Force

The use of force is inevitable in extended control settings. Care must be taken in planning or evaluating these facilities to ensure that policies and procedures, techniques, philosophies, and controls of the use of force are thoroughly analyzed. Although a few agencies have officers in control booths armed with firearms and/or gas, most rely on higher numbers of staff as their primary means of physical control, supplemented by a variety of nonlethal weapons.

A case can be made that force is used each time an

inmate is moved out of the cell. Typically, two or more officers handcuff the inmate (often supplemented by leg or waist chains) before he/she is allowed out of the cell. The inmate is then moved under the supervision of two or three officers—in some agencies by hands-on escort—to the destination point. Such instances are referred to as routine use of force.



Other uses of force that must be anticipated include cell extractions; controlling self-destructive behavior; and dealing with combative, resistive, and assaultive behaviors. Although few facilities have experienced large-scale disturbances, all must be prepared for such an event and be able to respond with specialized, well-trained tactical teams.

Critical to use-of-force planning or evaluation are policies and procedures that clearly articulate what level of authority is required for each level of force used, the steps that must be taken to reduce or eliminate the need for using force, the type of force to be used, and the steps to be taken once the force has been applied.

Operational policies should require 1) thorough documentation of the use of force through written reports by each staff member present during the use of force, 2) videotaping of each planned use of force, 3) periodic debriefing and examination of practices with involved staff, 4) regular review of all use-of-force incidents by facility administrators, and 5) mandated review of documentation and videotapes of specified levels of use of force by higher authority.

Some agencies are now installing constantly operating panoramic video cameras in their housing units and corridors, taping everything that occurs there. This not only acts as a control measure to prevent abuse or violation of policies and procedures, but documents staff and inmate activities to forestall unfounded claims by inmates.

Documentation

Routine documentation of the activities and events in extended control facilities, including videotaping cell extractions or other planned uses of force, is essential for several reasons:

- It allows supervisory and administrative staff to monitor the day-to-day performance of staff.
- It reinforces staff observance of policies and procedures and the need for performing certain tasks and activities.
- It creates a record of the completion of required tasks and exceptions to the normal routine that can be used in the event of a legal challenge.
- It allows continuity and communication across work shifts.

It is particularly important to consistently document hearings; use of force; medical and dental services provided; mental health evaluations and contacts; and access to personal hygiene facilities, exercise, and religious and legal resources. It is critical that staff document an inmate's refusal of a proffered service or opportunity, such as a meal, medical or dental care, use of facilities and resources, etc.

Section 5. Staff Issues

Personnel Characteristics

Corrections officials who have operated extended control facilities agree that, ideally, staff should possess the characteristics of maturity, intelligence, and good judgment, and—at least for custody positions—be physically capable of performing the rigorous duties required of them. They should be even-tempered, consistent, and capable of respecting diversity in the inmate population. The difficulty of working day-to-day in an environment that is a mixture of repetitive routine, unscheduled incidents, and physical/personal challenges requires that the staff be uniquely adaptable to working in an abnormal setting with persons who present inordinate adjustment and management problems.

Agencies vary in the types of pre-employment testing they require. Ideally, such testing would include medical examinations and tests for physical agility, psychological fitness, use of illegal drugs, and special knowledge and skills. Certainly the high-security nature of these facilities requires thorough background investigations.

Recruitment and Selection

Most professionals agree that the staffing of an extended control facility is the single most important factor in ensuring safe, secure, and humane operations. Although the ability to be highly selective in assignment of staff is very important, it is not always possible because of limitations that may include bargaining agreements, an existing staffing complement, or a requirement to hire displaced staff.

Although some managers prefer to hire new staff and provide them intensive training rather than rely on experienced staff who may have "bad habits" developed in other settings, it is difficult to justify assignment of inexperienced staff to work with the system's most difficult inmates. Most new staff, with or without intensive training, will have difficulty in an extended control environment, and many will "opt out" through resignation or when transfer becomes available to them. Initial assignment to extended control may result in the loss of new staff who otherwise may have promising career potential. An agency should also recognize that the assignment of inexperienced staff to such critical

posts may subject them to safety and security risks they can ill afford to take.

Assigning staff to an extended control facility strictly on a seniority basis is also troublesome because seniority (or lack of it) may not relate in any way to requisite interest, temperament, skills, knowledge, and experience. Agencies should be especially mindful of the risks inherent in staffing a unit with predominately low seniority workers, as can happen when seniority prevails and segregation work is unpopular. In such instances, a mismatch of skills, experience, interest, and temperament can negatively impact the operation of the facility and can create a dangerous situation, hinder the adjustment of the inmates to difficult conditions, result in staff turnover, or be detrimental to staff's physical and psychological health.

Agencies should consider establishing special eligibility requirements or, perhaps, a special employee classification for extended control workers that would require successful completion of a specialized training program before regular or relief assignment to extended control posts. In addition to familiarizing staff with the dynamics of violence and disruptive and/or antisocial behavior, such training should prepare them to communicate regularly and positively with inmates in an environment that is structured to make such communication difficult. Selecting staff who choose to work in extended control and have prepared themselves and acquired special knowledge and skills will pay great dividends as opposed to staffing the facility through seniority, rotation, or with those considered the "toughest of the tough."

Many of the extended control facilities built in recent years are located in rural areas far from metropolitan centers. This creates extraordinary challenges in recruitment and retention of staff, particularly in specialty areas such as physicians, dentists, and mental health professionals, and may require recruitment efforts and flexibility in employment practices that are beyond standard practice.

Achieving a diverse workforce is also more difficult when the facilities are located in relatively isolated areas. However, it is important, if not essential, that an

agency ensure by whatever means necessary that an appropriate racial, ethnic, and gender balance is achieved and maintained. Agencies that have required gender balance and provided training to ensure understanding of professional and operational expectations of both men and women have found that gender balance "softens" the environment and encourages the development or maintenance of positive social, hygiene, and behavioral practices by inmates. Racial and ethnic balance is critical in the minimization of anger, creating perceptions of fairness, providing equity in interpersonal dialogue with under-represented inmate groups in the population, and maintaining cultural sensitivity. Although recruiting, hiring, and retaining minority staff for extended control work is difficult in some jurisdictions, specialized training and a special employee classification could prove helpful.

Care must be taken to assure that all personnel in an extended control facility are thoroughly trained....

Training

Training, which is crucial to any correctional operation, is especially critical for staff working in extended control facilities. Custody staff in particular must perform their duties in an environment in which inmates by reputation—and frequently in reality—are combative, assaultive, or threatening.

Staff must work together and be able to rely on each other to a greater degree than in most other correctional settings. Regular counts, feeding, handling of correspondence and property, delivery of medications, providing escort, and performing cell searches all require specific knowledge and attention to detail. Staff must be able to handle their responsibilities consistently and professionally. Failure to properly restrain an inmate, perform a thorough pat search, or operate control panels precisely can lead to disastrous results.

Only quality training and regular refresher courses can provide the skills essential to carry out these duties in a professional manner and ensure that bad habits are not passed along to new staff members. Top performance levels can only be reached through thorough orientation and basic training, solid on-the-job training with competent supervision, and annual review/refresher training.

Care must be taken to assure that all personnel in an extended control facility are thoroughly trained in security procedures and requirements and facility operations philosophy, as well as their own job skills. It is particularly important that training be provided to ensure that staff understand the documentation that is required in all aspects of the extended control operation. Cross-training of individuals so they can perform in a number of posts increases the flexibility of the custody staff and enhances their understanding of the total operation. Specialized training also should be planned for special operations teams, search and shakedown teams, emergency medical response teams, and cell extraction teams.

Stress

Many corrections professionals who have operated or administered extended control facilities express concern that the unique challenges of these facilities can create a great deal of stress for the individuals who work there. A very stressful environment is created by much of the work day being extremely routine while emergencies can occur instantaneously, staff being challenged verbally and/or physically by inmates, and so much emphasis on security and control.

Agencies operating extended control facilities attempt to mitigate the impact of this environment in a variety of ways. Some require rotation of assignments within the unit or facility, some require periodic rotation out of the unit or facility, and others rely on training and stress reduction classes to help employees handle the work environment.

Bargaining unit contracts in some jurisdictions inhibit or prohibit the rotation of staff between shifts, posts, units, or facilities. Agencies that are planning extended control facilities should evaluate existing contracts or agreements and attempt to develop the flexibility to allow management to rotate staff. Contracts should also include provision for staff to have access to counseling, particularly after traumatic incidents such as necessary use of force.

Leadership and Supervision

Integral to the operation of a quality and legally defensible extended control facility are strong, technically competent, and professional leadership and supervision at all levels—from the line-level supervising custody officer to the administrators of the agency.

Administrators at the central agency level must assure that thorough policy guidance is provided to set the parameters for the operation of the facility. Policy must clearly outline who will be considered for admission to the facility; what authority may allow such a placement; what reviews will occur, how often, and by whom; and what the release criteria are and who approves. Central agency administrators should also establish a process to review the policies and procedures developed at the local level and to regularly review use-of-force incidents. They also should, on a regular basis, personally review the operation of the facilities onsite to assure that the policies and procedures are indeed being followed.

Administrators and managers at the local level (superintendents, wardens, and their delegates) must assure that the local policies and procedures are consistent with central agency policies and are sufficiently thorough to provide clear guidance to staff working in the extended control facility. It is also incumbent on local managers to observe operations—routine and exceptional—on a regular basis. They also have the responsibility to assure that training time and resources are available, that training is thorough and consistent with their own policies and procedures, and that the training is relevant to the effective and efficient operation of the facility. Local managers must also ensure that support services are coordinated and functioning at a level that permits proper delivery of services to both inmates and staff.

First- and second-level supervisors have critical roles in the proper operation of extended control facilities. They must assure, on a day-to-day, moment-by-moment basis, that the staff know what to do and

how to do it. They must see to it that routine tasks are indeed routinely accomplished, yet be able to take an onsite leadership role when incidents occur. Comprehensive training is imperative for this segment of the staff also, as they must be thoroughly knowledgeable of and understand the policies and procedures and how to implement them. In addition, they must be well trained in the supervision of subordinates, crisis management, and use-of-force techniques.

Non-custody staff must also be selected and trained to provide leadership and supervision over their particular specialties. Medical, dental, food service, mental health, religious, program, maintenance, and other support staff must provide leadership and technical knowledge in their areas of expertise to create balance in the facility operation. They must also be thoroughly grounded in knowledge of the mission of the facility and understand and accept the safety and security requirements of the operation.

If the extended control facility is to avoid common pitfalls, it is incumbent on administrators at all levels to think through, adopt, and implement consistent policies, procedures, and behaviors that promote professional operation of these very demanding and challenging places. If successful, the agency may be able to avoid, or at least reduce, the risks of the "we/they" syndrome between the staff and inmates. If quality leadership and supervision are absent, the program is likely to face major problems and probably litigation.

Section 6. Siting, Design, and Construction Issues

Co-Located vs. Separate

Jurisdictions in the planning stages of developing an extended control facility should give a great deal of thought to their decision to either co-locate it with another correctional institution or to site and build a separate facility. Extended control facilities in operation are sited in both ways and in variations of those ways.

Co-location, either through renovation or new construction, usually offers several advantages: less public resistance to the siting process, existing utility extensions and agreements, opportunity for staff at the parent institution to oversee the renovation/construction phase, and availability of logistical support once the new facility is in operation. Co-location also may offer the advantage of a ready source of experienced staff, facilitate rotation of staff from extended control to less stressful units, and provide greater backup capability in an emergency. Those critical of co-located facilities suggest it is difficult to maintain the high level of security and custody when lower custody programs are at the same location.

A separate stand-alone facility at a different site may mitigate that fear. It allows for a "brand new beginning" in the startup of the program and allows for all elements, from security features to housing units to support areas, to be designed in support of the extended control program. However, transition programs within the facility can have an effect similar to having lower custody programs co-located.

Site Selection

It would be desirable to locate extended control facilities in or near urban areas to facilitate recruiting and maintaining a diverse workforce; recruiting specialty staff and services (medical, dental, and mental health); and reducing logistical costs associated with such things as transportation of people and supplies. Many corrections officials advise against urban sites, however, suggesting they create greater visibility and uninformed criticism of the program, greater public resistance to siting, and a greater threat (real or perceived) to security.

Rural sites have become more of the norm in recent years, as the building of correctional facilities is seen by smaller communities as a means of enhancing the local

economy with an "industry" that is relatively environment-friendly and stable. Locating in a community that is accepting rather than resistant is desirable for any endeavor, public or private.

Before initiating a siting process for an extended control facility, agencies should address the issues of staff recruitment and retention; transportation; access to medical, law enforcement, and fire services; availability of affordable housing; and environmental impact. Siting often becomes a political decision with little regard for pragmatic correctional issues, but corrections officials should at least document their concerns.

Design Issues

The designs of extended control facilities vary greatly, and many agencies with newer facilities have borrowed design ideas from earlier models. As in all new construction, the design should be heavily based on the mission of the facility. Considerations in defining the mission should include the profile of the target population; custody requirements; planned programs and services; the facility's relationship to other parts of the corrections system, particularly in matters concerning reception and release; and if transition programs will be housed in the facility. Once these elements are defined, technology requirements and housing, program, and shared spaces can be determined.

An agency should carefully consider the number of extended control beds that are or will be needed. Officials should avoid the approach that "more is better" and limit the size of the facility to the number of beds essential to the management of dangerous inmates for whom no other viable means of control is available. Overbuilding extended control capacity—which will be used by some profile of inmate in this era of burgeoning prison populations—may cause problems operationally and legally as the agency attempts to house inmates in an extended control environment who do not require that level of custody or security. Once constructed, it will be difficult, if not impossible, to use the facility without the intensive staffing characteristic of extended control operations.

Most extended control facility designs incorporate single cells; a relatively small number of cells in each

pod; and a remote central control booth that electronically operates cell doors, shower doors, unit doors, and any number of other functions in several pods. Some new facilities, though considered supermax, are designed for double-celling, which suggests that the target population requires a lesser level of custody than that required by a true extended control population. If the target population is suitable for double-celling, the planning agency should consider whether a lower level of control that is less costly than extended control may be appropriate.

In planning new facilities, inclusion of relatively inexpensive technology can provide amenities that can become incentives for good behavior and support health, safety, and security. Secure, built-in intercoms, radios, and monitors with which to communicate with inmates and provide educational, religious, and treatment programs and access to legal information and current events are among the possibilities for humanizing a sterile environment. Although an agency may choose to provide few programs to inmates in extended control, consideration should be given to including program delivery capabilities in design and construction to accommodate necessary modifications in future years based on changing needs, court decisions, or policy revisions.

If transition programming is to be provided, the design should include adequate day room, program, recreation/exercise, and other shared spaces to facilitate progressively greater freedom of movement for inmates. Housing, programs, out-of-cell opportunity, and staff interaction should all demonstrate that the inmate is making progress, but sufficient custody should be maintained to ensure safety. Space separation from the extended control housing should be apparent and should clearly distinguish transition inmates and staff who supervise them from extended control inmates and staff.

Most extended control designs significantly "harden" and limit the number of access and egress points on the perimeter. Support services are generally near but remote from the housing units. Some designs include an inner perimeter that allows lower custody inmates, normally from an adjacent institution (but possibly inmates in transition programs housed in the extended control facility), to provide support such as food, library, maintenance, and sanitation services but without contact with the extended control inmates. Space for some support services and activities, such as attorney and family visiting areas, hearing rooms, medical examination rooms, and counselor

and supervisor offices, is often provided in immediate proximity to or in the housing pods.

Space designed for administrators and managers varies, but normally is split between an "outside" administration building to house support personnel who ordinarily do not have routine inmate contact and "inside" administration areas for staff providing direct inmate services. Limiting the number of staff who enter the secure perimeter to those essential to the daily operation of the institution lessens the potential for security breaches and reduces staff security processing time.

Critical design decisions faced by planners—with varying choices being made—include cell size, windows (or not), types of cell fronts and doors, locking and control systems, types of electronic systems on the perimeter, special relationships of support services, training space for staff, program space (if any), congregate recreation and/or exercise space (if any), and many others. It is important that the experience of extended control managers in other agencies be considered and that policy and operations issues be addressed before planning and design. Poor decisions up front inevitably lead to extensive retrofitting or remodeling at a later date, increased operating costs, and the potential for weakened security.

Agencies planning new facilities should try to avoid designs that are so "tight" that they restrict additions or changes to the facility in the future, when correctional needs may change. For example, some extended control facilities contain little or no space for programs, based on the assumption that the type of population they will house will not be allowed to participate in congregate programs. In the future, either due to court decisions or different system needs, they may encounter serious and probably very costly problems in attempting to meet new challenges if the design is so inflexible as to preclude additions to the original facility.

Construction Costs

During the past decade, the costs of operating prison systems have increased dramatically due to increasing numbers of inmates, new prison construction, and the swelling ranks of corrections staff. As the share of a jurisdiction's budget dedicated to corrections increases, so does attention to correctional operations. This has often resulted in a reduction of critical services.

Construction of extended control facilities is very costly due to the need for high-security components: elaborate perimeters; high-security doors, hardware, and locking systems; heavily fortified walls, ceilings, and floors; and sophisticated electronic systems in master and unit control rooms. Although construction costs are high, they are dwarfed by the costs to staff such facilities over a period of years. Virtually all inmate services, maintenance, and sanitation work are provided wholly or in part by corrections staff in these facilities.

Cost-benefit analysis of construction methods, materials, and equipment and visionary planning of space needs and use are essential in all construction planning. While use of lower-grade materials and equipment, reduction of core space to the minimum footage feasible, and not "footprinting" in space for possible other uses in the future have enabled agencies to reduce initial construction costs, these approaches to cost containment have resulted in significant maintenance, replacement, and retrofitting costs later. A footprint that includes space for expansion, alternate use, or addition of program modules adds little to construction costs and can produce great savings in future years.

Implications for Operating Costs

In most jurisdictions, operating costs for extended control facilities are generally among the highest when compared to those for other facilities. Facilities that have similar or higher costs tend to be other specialized ones, such as medical or psychiatric facilities.

The location of the facility will contribute to operating costs. Facilities that are distant from supplies and services will ordinarily have greater operating expenditures due to transportation-related factors. Transporting inmates to and from the extended control facility, courts, and community medical services will be more costly.

Design factors will also influence operating costs. The number of inmates per unit, per pod, and in the total facility and the number of staff required to provide adequate security and services are all design-related issues. The number of officers required to staff control centers, monitor housing units, provide escort within and outside the institution, and provide internal and external security will affect the operating costs.

Facilities designed with clear sight lines may be able to operate effectively with less staff than those with

obstructed views. Those with showers in the cells may be able to operate with reduced custody staffing as a result of a significant reduction in the number of out-of-cell escorts. Some agencies have been able to reduce the number of security staff through use of video cameras and other electronic equipment, this being particularly effective when their use is incorporated into the original facility design.

One particularly critical factor that has a significant impact on operating costs is the design of the perimeter. Whether (and how many) towers are incorporated has long-term operating budget implications. Maintaining coverage in one tower seven days per week, 24 hours per day requires approximately 5.3 full-time employees. Obviously, staffing multiple towers would consume significant portions of the facility's operating budget.

Agencies operating extended control facilities vary in their response to this issue. Some have chosen towers. Others have chosen lethal fences and few, if any, towers. Yet others rely on heavily "wired" fences with a variety of electronic alarm systems, with or without towers. Those that opted for the fewest towers typically placed the tower(s) at the vehicular or pedestrian entrance, or both.

Further Considerations

Before (or during) planning or designing an extended control facility, the planning team should observe extended control operations in several jurisdictions. It would be most helpful if those jurisdictions share the same philosophy regarding extended control and operate a facility of the approximate size anticipated.

The visiting team should discuss the strengths and weaknesses of various design features with managers and line staff at the operating facilities. Asking them, "What would you change if you could?" may produce helpful design tips.

To help assess the impact of the design on operational efficiency and costs, the team should review the staffing pattern, post orders, and policy and procedure manuals. The type of inmate misconduct that is most common may also help identify possible improvements in the design and operations. Issues related to constitutional conditions of confinement, including cell size, exercise space, natural light, and air exchange, should be carefully studied.

Section 7. Summary, Conclusions, and Recommendations

Correctional philosophies shift over time, fads are born, and trends evolve. Large linear prisons emphasizing large industrial plants were the norm up to the 1950s. Smaller prisons emphasizing education and treatment emerged in the 1960s only to be replaced once again by large prisons in the 1980s and even larger prisons in the 1990s. Some of the recent fads and trends include boot camps, privatization, lethal fences, chain gangs, removal of exercise weights and other privileges, sex offender treatment, and inmate co-pay for services. Some of these gained prominence due to political attractiveness, and some because they do present partial solutions for today's correctional problems.

Typically, "new" programs in the field of corrections are not based on extensive research. Some are born out of emerging needs; some are created in reaction to a crisis or emergency; others are the result of political agendas. It would seem that the "supermaxes" have emerged from a blend of these influences, depending on the jurisdiction.

It appears that the purest intent of supermaxes around the country is to isolate inmates who through behavior—or threat of such behavior—are dangerous or chronically violent, have escaped or attempted to escape from a high-security correctional facility, or have incited or attempted to incite disruption in a correctional facility. The physical facility or unit and the program implemented there isolate these individuals in a highly restrictive setting for the primary purpose of protection of staff, other inmates, and the community. The purpose of such facilities is not, or should not be, to exact additional punishment. Nor should such a facility be used as the repository for inmates who are simply bothersome, self-destructive, or mentally ill; who need protection; or who have an infectious disease.

The extended control facility in its purest form is operated with the assumption that the inmate placed in it must be denied access to people that he/she might harm, to the opportunity to incite disturbances or disrupt the operation of a correctional facility, and to materials with which he/she may harm self or others. Some agencies do place many other types of inmates in these facilities. The questions an agency may wish to ask before expanding the criteria beyond the very limited ones, or in planning, building, or operating a new facility, include:

- Do we want to risk the possible legal challenges that may accompany the expansion of placement criteria beyond what is absolutely necessary?
- Do we want to incur the significant expense of placing inmates in extended control who do not actually require that level of control?
- Do we want to subject inmates to the severe and rigid conditions of extended control if they do not clearly meet the narrow criteria for placement there?
- Is a policy of "concentration" rather than one of "dispersal" in the best interest of our agency?

When a jurisdiction has decided to operate an extended control facility, the questions of what to allow (or deny) in programs and services become critical, as do the issues of staffing, staff training, supervision, and administration.

Analysis of existing and planned extended control facilities and a review of concerns and experiences regarding them suggest that the field would benefit from implementation of the following recommendations.

- Initiate research on the effects of such facilities on the inmates housed in them, to include the impact of varying lengths of time and the availability (or absence) of a variety of programs.
- Initiate research on the impact of such facilities on the personnel who work in them.
- Evaluate the options that agencies might use to more effectively manage some types of inmates who they currently place or plan to place in extended control.
- Evaluate more thoroughly the impact of these facilities on the correctional agency and its other facilities.
- Create cost-benefit analysis capability to better assess the value returned by these facilities.
- Adopt a universal definition of the population that would be housed in extended control facilities.
- Develop professional standards specific to extended control facilities that provide a template for agencies to follow in the areas of policies and procedures, training, staffing, and program and service provision.

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Appendix. Checklist of Considerations for an Extended Control Facility

The checklist that follows identifies many of the important factors relevant to extended control facilities. It may be used in several ways.

- To help frame discussions about whether an extended control facility is needed or appropriate.
- To lead decisionmakers in discussion of critical policy issues that should precede planning or design of an extended control facility.
- To assist in the development of a program statement and plans for a new extended control facility.
- To guide correctional decisionmakers in the process of designing an extended control facility.
- To assist in the development of an operations plan for an extended control facility.
- To assess current extended control operations.

Although the checklist is not exhaustive, it will help broaden the user's considerations regarding extended control facilities.

Issue	Yes	No	Comment
Agency Policy			
1. Has a decision been made to concentrate, rather than disperse, high-risk inmates?			
2. Is the agency's philosophy concerning the management of high-risk inmates and the operation of extended control facilities clearly articulated in policy?			
3. Have a clear definition and criteria been adopted that describe the "high-risk inmates" who may be considered for placement in extended control housing?			
4. Will the facility house inmates of lesser custody than "extended control"? <ul style="list-style-type: none"> • If so, have such levels of custody been clearly defined and differential movement regulations, staffing requirements, etc. been determined? 			
5. Will inmates diagnosed with mental illness be placed in the facility if their conduct meets extended control placement criteria? <ul style="list-style-type: none"> • Will those receiving psychotropic medications be admitted? • If so, will they be housed in the same unit/area as other inmates? 			
6. Have gender issues been considered and housing identified for women in extended control status?			
7. Has clear differentiation been made between disciplinary segregation, administrative segregation, protective custody, and extended control status?			
8. Has length of stay been addressed? <ul style="list-style-type: none"> • based on precipitating incident(s) and history? • based on extended control conduct? • a fixed time determined at or prior to placement? • other criteria? _____ 			
9. Has transition programming been considered? <ul style="list-style-type: none"> • within the extended control facility? • upon transfer to an alternate site? 			
10. Has consideration been given to what programming will be offered in the extended control facility, including where and by whom?			
11. Has consideration been given to the regimen for female inmates in extended control as compared to that for male inmates?			
12. Does policy require agency review and approval of all extended control facility policies, procedures, and regulations?			
Admission and Release			
1. Is authority for approving placement in and release from the extended control facility explicitly stated in agency policy?			

Issue	Yes	No	Comment
2. Does approval or review of placements occur at the upper administrative levels of the agency?			
3. Does agency policy require periodic review of the extended control status of each inmate placed there?			
4. Are policies and procedures governing extended control placement and release explicit and clear?			
5. Are inmates provided information enabling them to anticipate a date of release from extended control and the criteria governing their release?			
Classification			
1. Can the classification system be modified to identify inmates meeting the criteria for extended control placement while maintaining its structural integrity?			
2. Have objective classification criteria been identified that will govern extended control placement and release?			
3. Are the criteria for override of classification recommendations clearly stated?			
4. Does the authority for override of classification decisions concerning inmates in extended control status reside in upper levels of agency administration?			
5. Do classification policies and procedures require periodic review of extended control inmates and provide opportunity for inmate input?			
6. Does the classification review team include a central office representative(s)?			
Programs			
1. Is congregate programming permitted for inmates in extended control status?			
2. What programs are offered in extended control units? <ul style="list-style-type: none"> • anger management? • education? • addiction (drug and alcohol)? • cognitive restructuring? • other? _____ 			
3. What programs are offered in the transition program (if applicable)? <ul style="list-style-type: none"> • anger management? • education? • addiction (drug and alcohol)? • cognitive restructuring? • other? _____ 			

Issue	Yes	No	Comment
4. Is in-cell communication technology provided to facilitate in-cell program delivery (intercom, radio, tv/video monitor, etc.)?			
5. Are community volunteers permitted to participate in program planning and delivery?			
6. Is completion of programs a criterion in release considerations?			
7. Are inmates provided written information concerning programming expectations and the potential relationship to release decisions, when appropriate?			
8. Is a program provided to mitigate possible damage to inmates due to absence of human contact over a period of time?			
9. Is a specially designed program provided for inmates who will be released directly to the community from extended control status?			
Siting, Design, and Construction			
1. If planning an extended control facility, has co-location vs. a separate facility been considered and have cost and efficiency comparisons been made?			
2. If planning an extended control facility, will the site being considered be an asset to, or detract from, the efficiency and effectiveness of the operation?			
3. Will the site of the extended control facility allow for recruitment and retention of qualified staff who reflect the ethnic and gender diversity of the inmate population? <ul style="list-style-type: none"> • correctional officers? • medical staff? • mental health staff? • program staff? • support staff? 			
4. Is backup community medical care readily available within a reasonable travel/response distance of the site? <ul style="list-style-type: none"> • If so, are they willing to serve the extended control population? 			
5. Has consideration been given to separately housing groups eligible for extended control that may require varying types of care (mentally ill, elderly, developmentally disabled, etc.)?			
6. Has the design of other extended control facilities been examined and evaluated?			

Issue	Yes	No	Comment
<p>7. Are in-cell monitoring, communication, and program delivery systems being considered?</p> <ul style="list-style-type: none"> • intercom? • radio? • tv/video monitor? • other? _____ 			
<p>8. Has the potential need for cell-front program delivery been considered in the design of cell fronts?</p>			
<p>9. Have issues of interest to the courts been addressed (e.g., natural light, cell size, air exchange, exercise space)?</p>			
<p>10. Have observation and line-of-sight design factors been thoroughly reviewed?</p>			
<p>11. Has space been "footprinted" into the design to allow for the future addition of space if system or facility needs change?</p>			
<p>12. Have adequate physical facilities been provided for staff functions, including training?</p>			
<p>13. Has adequate office space been provided for program and support staff and located in areas that encourage their presence in the housing areas?</p>			
<p>14. Are adequate backup (manual) systems to electronics and other technologies planned to support operations in the event of equipment or power failure?</p>			
<p>15. Is reliance on electronics and other technologies justified either by increased efficiency, improved security and operations, or reduced operating costs?</p>			
<p>16. Do design and finish features (e.g., color and lighting) create an environment as positive as possible for staff and inmates, and the ability to maintain satisfactory levels of sanitation?</p>			
<p>17. Are cell design, equipment, and construction sufficiently "hardened" to resist destructive behavior of disruptive inmates?</p>			
<p>18. Has the possible need to evacuate housing areas in an emergency been considered?</p>			
<p>19. Does the design accommodate efficient provision of inmate services such as food service, laundry and clothing exchange, cell sanitation, showers, exercise, family and attorney visits, and professional contacts?</p>			
<p>20. Have total costs been projected (including debt service, if any) in estimating the overall cost of the project compared to "normal" prison construction?</p>			
<p>21. Have operating costs been projected to gain an understanding of future financial implications?</p>			

Issue	Yes	No	Comment
22. Have projected total costs (project, construction, and operations) been made available to policymakers?			
23. Does the design mitigate operating costs to the extent possible?			
24. Has adequate cost-benefit analysis been performed on materials and equipment?			
Staffing			
1. Will the extended control facility be staffed initially by employees with extensive correctional experience?			
2. Are adequate training resources available to assure thorough orientation and basic training for all staff?			
3. Has a training curriculum been developed that will provide information and knowledge concerning agency philosophy, policy, and operational principles relevant to an extended control facility?			
4. Has a training curriculum been developed that will provide information and knowledge concerning facility policies and procedures and an overview of the total operation of the extended control facility?			
5. Are the trainers well versed and knowledgeable about the agency and extended control facility policies, procedures, and operations?			
6. Is ongoing training available in use of force and emergency response, and for staff assigned to special response teams?			
7. Has a program of refresher training been developed and provision made to ensure attendance by all staff?			
8. Is there provision for the monitoring of all training to ensure currency, appropriateness, and compliance with agency/facility mission, goals, and objectives?			
9. Are provisions made for the mandatory rotation of staff among assignments, to other units, or to other facilities to aid them in maintaining objectivity in inmate management and to relieve stress?			
10. Are programs in place to assess and assist staff following traumatic events?			
11. Are supervisory staff responsibilities well defined in policies and procedures?			
12. Are supervisory staff adequately trained in the principles and techniques of supervision?			
13. Are supervisory staff adequately trained in the management of high-risk inmates and the operation of an extended control facility?			

Issue	Yes	No	Comment
14. Do protocols exist to assure that facility administrators provide adequate onsite monitoring and guidance to first- and second-level supervisors?			
15. Do protocols exist to assure adequate presence and monitoring of extended control operations by agency central office staff?			
Food Service			
1. How will food be served to inmates? • congregate central dining? • congregate or individually in day rooms? • at cell front?			
2. Have food service criteria and monitoring procedures been clearly established in written policies and procedures? • menu development? • food preparation and kitchen sanitation? • quality control? • portion control? • food temperatures? • supervision of food line or cell-front service? • preparation of special food trays by staff? _____ Under direct staff supervision? _____			
3. Is each meal taste-tested by staff and its quality and relevant information documented?			
Inmate Mail and Property			
1. Do written policies and procedures govern the receipt, monitoring, and delivery of staff and inmate mail?			
2. Does written policy provide for inmate receipt of "legal mail" that is subject to inspection for contraband but is not subject to monitoring? • are the approved originators of legal mail clearly designated in written policy? • do delivery procedures ensure proper handling of legal mail?			
3. Is inmate-to-inmate communication through the mail system allowed?			
4. Does written policy state the amount and type of mail an inmate may possess in his/her cell?			
5. Is the amount of legal material, magazines, books, newspapers, and other flammable items an inmate may have in his/her cell clearly established in written policy?			

Issue	Yes	No	Comment
6. Do written policies and procedures regulate the items of personal property inmates may have in their possession? • personal radios? • televisions? • other electronic equipment? • other? _____			
7. Will inmates be provided uniform clothing?			
8. Will personal hygiene items be provided to inmates without charge? • if not, are they available in an inmate commissary? • was a decision made concerning shaving equipment?			
9. Do policies and procedures require regular clothing exchange and limit the amount of clothing inmates may have in their possession?			
10. Do policies and procedures require regular linen exchange and limit the number of sheets, blankets, towels, etc. inmates may have in their possession?			
Medical Services			
1. How, when, and where will sick call be conducted?			
2. How and where will outpatient medical services be provided?			
3. Where will inpatient medical services be provided?			
4. Where will medical specialty clinics be held or services provided?			
5. Where will emergency medical services be provided? By whom?			
6. Does facility design and/or space use provide for adequate safety and security for medical staff while ensuring required levels of privacy and confidentiality?			
7. Will nursing care be available, and will physicians who live or work within a reasonable distance be on call 24 hours each day?			
Mental Health Services			
1. Will all inmates referred to the facility be screened for mental illness?			
2. Has provision been made for the treatment of diagnosed mentally ill inmates or their transfer to other facilities with treatment resources?			
3. Has provision been made for periodic review of the mental health status of all inmates in extended control housing?			
4. Are correctional officers provided training to help them recognize symptoms of deteriorating mental health?			

Issue	Yes	No	Comment
5. Is a referral process clearly articulated in policies and procedures to ensure timely referral for mental health services?			
Religious Services			
1. Will chaplaincy or other staff be available to provide for inmates' religious needs?			
2. Will community religious leaders and volunteers be allowed in the extended control housing areas to provide religious services? <ul style="list-style-type: none"> • If not, how will religious services be delivered to inmates who adhere to religions that are not represented by the facility's chaplaincy corps? 			
3. Where will religious services be provided and by whom? <ul style="list-style-type: none"> • at cell front? • congregate worship/study? • by intercom, radio, or video in cell? • by staff chaplains only? • by community religious leaders? • by religious volunteers? • by combination of _____ 			
4. Have the allowable articles of personal property pertinent to an inmate's religion been clearly defined?			
Sanitation			
1. Has provision been made for maintaining the sanitation of extended control housing that does not compromise the security of the unit by admitting inmate workers into the area?			
2. Will inmates be responsible for the regular cleaning of their cells? <ul style="list-style-type: none"> • If so, have nontoxic, noncaustic, nonflammable cleaning supplies been identified for use? 			
3. Does agency policy require regular safety/sanitation inspection of the facility by institution and agency administrators?			
Security and Custody Control			
A. Supervision			
1. Are supervisory staff available in the extended control facility at all times?			
2. Does agency policy require that institution administrators and managers visit the extended control housing areas frequently and document their entry and egress?			

Issue	Yes	No	Comment
3. Are all supervisory staff adequately trained in the principles and techniques of staff and inmate supervision?			
4. Have up-to-date, comprehensive security policies and procedures been developed and training provided to all supervisory staff?			
5. Does all planned use of force require supervisory approval and oversight?			
6. Does the use of chemical agents require supervisory approval and oversight, to the extent possible?			
7. Does agency policy require that all planned use of force be videotaped and that written reports be submitted by all involved staff? <ul style="list-style-type: none"> • is review of all documentation (including videotape) by the warden or deputy warden mandated? • is central office review required? 			
B. Searches and Inspections			
1. Have policies and procedures been developed governing searches of inmates in extended control status? <ul style="list-style-type: none"> • personal property and cells? (protocol, frequency, documentation) • pat (frisk) searches? • strip searches? (when, where, by whom) • body cavity searches? (presenting problems/conditions, by whom) 			
2. Does agency policy require that each cell be closely inspected before each occupancy and that the inspection and cell condition be documented?			
3. Does agency policy require security inspection of all locking and control devices by qualified staff or others on a routine basis?			
4. Does agency policy require frequent inspection of lights, sprinklers, power outlets, vents, etc. in cells to identify attempts to tamper and damage?			
5. Does agency policy require inspection of medical facilities, visiting areas, exercise spaces, and other areas an extended control inmate may enter to ensure no weapons, drugs, or other contraband are secreted there?			
C. Use of Force			
1. Do clear and concise written policies and procedures govern the use of force?			
2. Is there a standardized list of security equipment with which all security staff have been familiarized? <ul style="list-style-type: none"> • restraints? • chemical agents? • cell entry/CERT protective gear? 			

Issue	Yes	No	Comment
<ul style="list-style-type: none"> • video camera? • riot batons? • stun devices? • lethal weapons? 			
3. Is a continuum of force documented in all relevant post orders that defines conditions in which lethal force shall be employed?			
4. Has provision been made for activating SERT, SWAT, or search teams in the event of an emergency?			
5. Has written protocol been developed governing the movement/transport of extended control inmates both within and outside the facility? <ul style="list-style-type: none"> • number of escort staff within the extended control facility? • number of escort staff outside the extended control facility? • criteria for use of armed "chase" vehicle in motor transports? • security protocol in court and hospital or clinic? • notification of law enforcement when inmates are transported on public highways? • use of restraints, chemical agents, stun devices, or lethal force during transport? 			
Inmate Telephone and Visits			
1. Are provisions made for inmate use of the telephone to maintain family contact?			
2. Does policy clearly establish eligibility criteria and protocol for the pre-approval screening of all potential visitors?			
3. Will contact visits be allowed for inmates in extended control status? <ul style="list-style-type: none"> • If not, are adequate non-contact visit facilities available? 			
4. Are strip searches routinely conducted following face-to-face contact of extended control inmates with visitors, attorneys, or others?			
5. Does the frequency, duration, or type (contact or non-contact) of visiting, and/or number of persons with whom an extended control inmate may visit provide incentive to gain a lesser level of custody?			
6. Are inmates in lesser levels of control in the same facility? <ul style="list-style-type: none"> • If so, are separate visiting facilities provided for extended control inmates and those in lesser levels of control to ensure the security integrity of the extended control area? 			



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Supermax:

More of the Same in the 21st Century?

Where DO We Go From Here?

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is neither dignity nor respect
- it is a type of extortion.

Dignity and respect should not be currency in human relationships
to be doled out as a reward or withheld as punishment.

Dick Franklin



CONTEMPORARY ISSUES IN PRISON MANAGEMENT

Supermax: More of the Same in the 21st Century?

Where DO We Go From Here?

by: Dick Franklin

Disruptive inmate behavior, conflict between inmates and staff, prison violence, and attempts to escape from custody are age-old problems. Prison "morning reports" from one decade to another change little and the changes are usually in the "actors", not the actions.

Our response, too, is pretty much the same. Those who are considered dangerous, overly disruptive, or appear to be a significant challenge to our mandate of control, are segregated. For the most part, nothing much has changed there, either.

And, the underlying reasons we segregate inmates hasn't changed much, if at all. Why do we lock them up? Well, to control them and keep them from doing what we have identified as a threat – why else?

Segregation has been, and remains an end in itself. Attempts to "reform" this population are few and often unrelated to the motivation for segregating them. And generally, change in conduct or "reformation" is unrelated or only marginally related to decisions to release them.

Why do we lock them up? Well, to control them and keep them from doing what we have identified as a threat – why else?

But when we examine the profile of those inmates found to be deserving of segregated living we find that some things are different. We find greater numbers of inmates who are *mentally ill*. We find groups of inmates, gang members and leaders, who are confined for "association", not for their prison conduct. We also find increasing numbers of very *young inmates* who, out of fear for their safety in general population and the perceived necessity to show how "tough" they are to discourage would-be predators, find their way into long-term segregation. It is likely that we will also find many "non-violent" inmates in segregation for violent behavior: inmates without a history of violence who commit violent acts in prison. And, we find inmates who are so confined because of the grievous nature of the *committing offense*: "model" inmates whose statutory punishment is overlaid with political punishment.

We would be negligent if we did not acknowledge that, in many instances, we find "*fringe desperados*" – inmates who would have been returned to general population if not in a supermax prison. Some continue in

supermax because of bed space problems in the system. Others, because prison managers who are aware of the inmate's history and unaware or doubting of behavior change, do not want to take the inmate into their general population and decision-makers who do not know the inmate well are reluctant to assume the risk of returning the inmate to a general population by fiat.

What also appears to be different is the number of inmates we segregate and the length of time we segregate them. In scanning the correctional scene, one readily recognizes the apparent efforts and trend to institutionalize our approach to segregation by building "specialty" prisons. Many agencies now have one or more special high-tech prisons for the control of the "toughest of the tough" and others are building, planning, or considering such a move. Instead of segregating inmates within their assigned community, we now banish – expatriate – evict the offender and send him/her to a special community of violators in which our control is more evident and formalized than before. And, with increasing sentence lengths, there appears to be increasing comfort in demanding lengthy, indeterminate stays in supermax.

The more personalized control exercised in local segregation units is being rapidly replaced by the specialized prisons. While there are rational arguments in support of "concentration" of high-risk offenders, there is a down-side. Lost is the personalized control in which staff who know and have worked with the inmate assess the behavior and attitudes of the inmate and base segregation-related decisions on a more real-world awareness of the risk presented.

Now in supermax, the offender is known for the conduct which brought him to this point, but little is known about the "real person" that existed in daily interaction with staff and inmates. The "enemy of the state" is now more clearly and officially identified and classified. Those with punishment as their objective can feel justified in punishing because, officially, these are the "worst of the worst". Those with abuse in their blood can justify the abuse because, obviously, these are the inmates who will "get" you if you don't show them who is in charge. Renegade inmate management methods sometimes develop – unsanctioned, unwritten, and fearsome. The stays – and days – with "nothingness" for 23-plus hours most days. Human contact is limited and, in some instances, almost non-existent.

In days past we decried the conditions in which we had to segregate offenders, excusing the lack of program and activity by the conditions: too noisy, no program space, no way to deliver program, no resources. Now we build fresh, new, light, high-tech, prisons but without ensuring that such excuses could no longer apply.

Some modern supermaxes have been built with the expressed purpose of eliminating human contact. The underlying interest is safety – the elimination of risk. Can there be a more clear statement that segregation is the end in itself – that there is no thought or interest in reformation or changed behavior?

You say – "You exaggerate." Maybe. One should never generalize because there are always exceptions. And in this case there are some forward-thinking correctional administrators who are taking supermax to the

next step and it is a forward step. But most are not.

An age-old problem —
A new institutional approach —
The same-old problem.

And so, we must ask, "What IS the next step?" "Where DO we go from here?" If supermax is our 20th century response to violence and disruption, changed in form but not in substance from the response of earlier centuries, what will our 21st century response be? Where will the politics and public perceptions of the 21st century take us — or will correctional leaders pave the way with newfound strategies?

I suggest that there are at least 2 major, inseparable, questions that prison administrators must seriously consider. The first has to do with the nature of violence and our relationship to violence. We often hear it said that we "know so little about human behavior", but when we really think about what we DO know, but ignore, we are forced to ask the question:

Is it possible that part of the problem of violence and disruptive behavior is within us and within our control?

And the second question has to do with the purpose of supermax or segregation.

What is the purpose of supermax in other than its inmate/prison management context and does it serve the agency mandate of "public safety"?

These are difficult questions and inseparable — but essential in addressing the question of responsible management of violent and disruptive inmates.

Looking Within....

To what extent is the problem of violence and disruptive behavior within us and the way we staff and manage our prisons?

Dr. Roy King,¹ in writing about American prisons, makes the following observation: "*The possibility should at least be examined that the reason for the high levels of violence in American prisons may have as much to do with the way in which prisons have been managed and staffed on the cheap, and the fairness and dignity with which prisoners are treated, as it has with the qualities that criminals bring with them into prison. It is at least a plausible hypothesis that the ever more repressive response to violence —of which supermax is but the latest expression—sets up a vicious circle of intolerance which is doomed to make matters worse.*"

"....managed on the cheap." Does that resonate with you? It does with me and I think with anyone that has tried to manage a prison in this decade. "But, we have no control of that! We submit our budget and it is denied!"

¹The Rise and Fall of Supermax: A Solution in Search of a Problem: 1999 Draft

Perhaps true. But, we must first ask if we are asking for the right things or just more of the same things that have not been particularly effective. If we are asking for the right things and those things are necessary and important, and we are being denied those things, where is our voice?" Where is the outcry?

Do we not know that "locking them up and throwing away the key" is not the answer to the problem of violence and disruption?

But the "treatment of choice" for inmates is just that. There is no "key of opportunity" for many. They have been stripped of opportunity and activity through the "get tough" needs of legislators and governors until virtually *total* idleness is the experience of thousands of men and women – both in supermax AND general population.

Certainly, that is true of the management of violent and hard-to-manage inmates in most supermax facilities. They do not live in an environment that offers incentives to change. Their management is based in a series of disincentives in which virtually all privileges have been stripped away. Their existence is void of opportunity and objectives. No one can/will tell them when they will be released and upon what criteria that decision will be made.

For inmates who, characteristically, have great need for immediate gratification, is a "perhaps, someday" release expectation without clear criteria upon which the decision will be made, meaningful incentive to change? Is this not tantamount to "throwing away the key"?

Do we not know that violence begets violence and that much of the conflict in prison settings can be characterized as a cycle of conflict in which violent or disruptive conduct is a reaction to stimuli in the relationships and environment?

Seldom is prison violence a stand-alone, idiosyncratic expression of a difficult inmate. Seldom do staff or inmates understand the conflict dynamic or the conduct. Seldom are the stimuli which prompt or feed such behavior identified, much less addressed.

Yet, little or no attention is given to the culture of the prison in which the violence and disruption occurs. Rarely, do staff look beyond the *conduct* and try to understand and address the *presenting problem or issue* that occasioned the conduct. Yes, the conduct may be a manifestation of "evil" – but it is more likely to be a reaction to stimuli in the environment.

Do we not know that the management of highly disruptive and dangerous inmates requires special knowledge, training, skills, and preparation?

We have observed abuse of inmates by staff who are frightened and insecure, who believe that the "best defense is a good offense" or that it is their job to punish. We have observed the conflict that arises when staff are unable to accept their responsibility to "serve" inmates who cannot serve themselves and whom they deem to be unworthy. And, we have observed the almost total lack of knowledge and skill that line staff, in particular, have in dealing with dysfunctional individuals.

Does not the management of high-risk and multi-problem inmates require special training, expertise, and a commitment to serve? Should this critical staff role be left to seniority, self-selection, untrained, or rookie staff? Is not the problem of violence sufficiently serious to demand that special job classifications be designed to provide the expertise to ensure proper management of violent and disruptive inmates and promote positive outcomes?

Do we not know that in an idle, negative environment dysfunctional people become increasingly dysfunctional?

Stuart Grassian², studying inmates in isolation, found indications of perceptual changes; affective disturbances; difficulties with thinking, concentration, and memory; disturbances of thought content; and problems with impulse control. To the extent these are mental defense mechanisms, I suggest that they impede any "learning" from the experience: ie the cause and effect relationships of conduct and the current experience.

But, he also found that the "effects of solitary confinement situations vary substantially with the rigidity of the sensory and social isolation imposed", suggesting that it is possible to segregate inmates for safety sake but maintain a level of social

² Grassian, Stuart: Psychopathological Effects of Solitary Confinement: Am J Psychiatry 140:11, Nov. 1983

interaction that prevents deterioration or decompensation. In fact, staff at the Colorado State Penitentiary have found that the conduct and condition of inmates with mental illness *improved* in segregation when humane and predictable services were provided to them in the controlled environment.

To the extent this is accurate, the acceptance of a sterile environment of isolation because it is "supermax" - "that's the way it is..they'll just have to accept it and learn" - without attempts to ameliorate the negative impact and without regard to outcomes is irresponsible. Efforts must be made to

moderate the negativity of the environment, at worst, and to create a positive "charge", at best.

Do we not know and it is not confirmed in our observation of the medical and mental health fields, that reformation or restoration has a large price tag and that resources sufficient to enable healing services and relationships are critical to change?

Most systems struggle with inmates who, as Hans Toch describes, are either the "mad-turned-bad" or the "bad-turned-mad". Speculation abounds about the mental condition of inmates whose conduct is inexplicable. Because of a paucity of resources in most prison systems for control of disruptive or violent mentally ill inmates, many such inmates gravitate to supermax or segregation whether or not there has been a mental health assessment and whether or not

the individuals mental health or capacity may be a contributing factor.

The courts have held that mental health services must be provided where a mental health need exists. Unfortunately, in many instances, such resources are either non-existent, are not onsite resources, or are woefully inadequate.

Correctional administrators often attempt to justify their budget requests on a comparative basis. Unfortunately, they make their comparisons of daily costs of care with other correctional jurisdictions who are equally ineffective in providing restorative services – not with entities who are charged with care of similar types and levels of dysfunction in the community: mental health clinics, institutions, and hospitals. Is it any wonder we remain ineffective in meeting the needs of the most dysfunctional in our care?

Where is our voice? Correctional administrators must not be accepting of conditions in which mental health services for inmates are inadequate and grossly inferior to those provided to persons in a mental health institution or the community.

Do we not know that criminal or behavioral dysfunction is equally, if not more, impacting on families and communities than chronic medical or mental health dysfunction and that punishment alone is not palliative?

Incarceration and provision of a full range of services is costly. But, should not program services be commensurate with the need and the impact on children, families and the community?

No-where and at no-time does society concentrate such a large group of it's most dysfunctional persons as in prison incarceration, create such opportunity to promote growth and change, yet do so little to address the dysfunction! They are assembled in "centers for correction, have the time, and are subjected to external pressures to change and become productive citizens. Yet, they sit.....days, months, and years, without attention to their dysfunction or

opportunity for change. Some are interested in changing their lives -- some are motivated to change. But most do not receive significant opportunity to change.

Several years ago in a prison system of approximately 12,000 inmates the writer calculated an annual waste of over 6,000,000 man hours, assuming that each unassigned, idle inmate had at least 6 hours per week day to give to some program or job if it was available.

How destructive is such an idle environment? Does it make sense to leave them idle and/or isolated and not provide services and opportunities that have potential to reduce the level of risk they present? Should not every effort be made to reintegrate them into the family and community?

Is it possible that part of the problem of violence and disruptive behavior is within us and, potentially, within our control? Is it possible that we are “asking for”, “paying attention to”, and “doing” things that serve inmate and institution management – that serve our need to control – but exacerbate the problem of violence, disruption, and social dysfunction and do not serve the interests of public safety? Is our attention of the right things – things that will change correctional practice and change lives?

What we know of a certainty should provide a road map in leading and reforming correctional practice. The adage, “Continue to do what you have always done and you will continue to get what you always gotten” is obvious and sobering. It is time to consider Dr. King’s hypothesis and examine what we are doing to the end of finding new ways of staffing, managing, and treating the difficult among us.

Looking Around....

As we look around our institutions and observe the daily disruptive behavior and violence, what do we see? The typical response to this question concerns the “changing inmate profile”. More long-term offenders, more gang members, more women offenders, more older.... But, what are we NOT seeing?

“Pussy Cat, Pussy Cat, where have you been?

“I’ve been to London -- visit the Queen.”
“Puss Cat, Pussy Cat, I saw you there.”

“I saw a mouse sitting under her chair.”
Alice in Wonderland

Who we are governs what we see and as members of the “system” we do not always see all that there is to see.

If a dog bites a person -- child or adult – we are concerned but do not usually make a judgement about the dog’s behavior until the behavior of the victim has been examined. We are willing to consider that the violence, while a part of the dog may not be wholly the dog – it may be in the relationship between the dog and the victim. The violence may be a reaction to a misunderstood behavior, tone of voice, or a quick move or overt challenge of the victim.

Why are we less likely to consider that some of the disruption and violence in prison may be in the relationship of the keeper and the kept and not solely in the inmate?

Only in the most exceptional circumstances such as when a staff member is under suspicion of abusive behavior, do we consider that the problem may exist as much in the relationship as in the inmate. Even less likely are we to consider that the environment or culture of the institution, or part thereof, instigates or engenders violence or disruption. If we do not train staff to understand and assess or examine relationships and the environment in which disruption and violence occurs, we virtually guarantee that cycles of violence are established that will continue no matter what we do in sentencing, punishment, or managing the problem through segregation.

When conduct is a response to stimuli in a relationship or environment it will inevitably be repeated until the stimuli are removed or the inmate develops skills that enable understanding of the cycle of violence and immunity to the stimuli. Punishment or segregation of itself does not provide these skills. Supermax or segregation housing is ineffective when such cycles exist.

An inmate assaults staff and is placed in a segregated setting, without consideration of the causation of the attack. Later, the inmate returns to the general population and before long another assault occurs. Certainly, the inmate cannot be excused, but is it not troublesome that the inmate has no history of violence, save in this "relationship" as is often the case? Is it not troublesome that after all of the discomfort of months and years in segregation the violence or disruption continues? Do we not have a responsibility to examine relationships and environments as well as behaviors?

Most of us would agree that institution climate and culture has much to do with staff and inmate attitudes and behavior. It is incumbent upon us to translate that knowledge or belief into strategies that assess, correct, shape, and nourish a positive institution culture in which unconditional positive regard between staff and inmates is the rule rather than the exception.

Dignity and respect that are given or withheld depending upon whether conduct and values are to the liking of the giver is neither dignity nor respect – it is a type of extortion. Dignity and respect should not be currency in human relationships to be doled out as a reward or withheld as punishment.

Please...read that again. We must look beyond the instant behavior of inmates or staff, and look at the relationships between leadership and the mass, supervisors and the supervised, inmates and staff.

Looking Without....

The climate and culture of our prisons is being impacted by the very popular "be tough on crime" attitudes and actions.

Supermax prisons are being built and inmate rights and privileges reduced with a very loud, strong message that the intent is to "harden" or "toughen" inmate management and treatment. Often, prison managers are powerless to do anything about the losses – when the governor says "remove the weights", the weights are gone. But, should we let it lie there or should we be education decision-makers about contradictions that abound and asking the obvious question concerning outcomes?

It is fairly common that violent crime is "defended" because the perpetrator was abused as a child or in an adult relationship. We find that officials are ready to "excuse" or at least "understand" violent behavior by one who was "abused". Yet, through increasingly

Is it not curious that on one hand "abuse" is viewed as a contributing factor or cause of violence: on the other as a cure for violence and, at least implicitly, encouraged by officials and the public?

harsh prison conditions they implicitly, sometimes explicitly, encourage abuse in the management of offenders – idleness, loss of program, leisure activities, excessive isolation, etc. Is it not curious that on one hand "abuse" is viewed as a contributing factor or cause of violence: on the other as a cure for violence and, at least implicitly, encouraged by officials and the public?

"What is it you expect, Mr/Ms. Legislator, of this prison(s)? Do you expect that in an absence of growth and learning opportunities inmates will grow and learn and

become good citizens? Do you expect that in an environment in which some of their basic needs are denied they will develop respect for the needs of others?"

It is important that correctional leaders impress upon lawmakers that there should be consonance between the birth-vision of supermax prisons and "get tough" imprisonment policies and anticipated outcomes. It may "feel good" and be politically popular to be tough, but does it serve the community well in terms of public safety? Certainly there is ample research demonstrating that a policy of punishment and negative reinforcement is ineffective in changing behavior.

Looking Ahead....

So, we come back to our questions:
Is it possible that part of the problem of violence and disruptive behavior is within us and potentially within our control?

What is the purpose of supermax in other than its inmate/prison management context and does it serve the agency mandate of "public safety"?

Most agencies have a "public safety" mandate. Has that been defined in relation to prison operations? What does it mean? Certainly, it means that there will be no escapes of dangerous prisoners. And, it means that staff and visitors are safe when within confines of the institution. But, does it mean "long-term public safety" – that we have responsibility for public safety even after the inmate leaves the prisons? How about when s/he no longer is under any kind of supervision? Is it

expected that what we do will impact public safety, long-term?

I suspect that most of us will find that there is an expectation that what we do will positively

influence the inmate in ways that will increase public safety when s/he is returned to the community. Viewed in this context, policies governing the way we deal with the violent and

disruptive must be based in the longer-term perspective – not just immediate inmate or institution management concerns. A focus and operational policy that is based solely on control will fall far short of meeting a public safety mandate and, in fact, may substantially increase risk to the public.

Our vision for supermax, the way and with whom we staff them, our attention to the specific human problems/issues presented in the population, and the linkages between problem inmates with their environment (including staff), are among the factors that must be considered when assessing violence in prison if we are to properly respond. Why? Because if the stimuli that prompts violence and disruptive behavior is external to the inmate, even in part, it cannot be constructively addressed through punishment and segregation of the offending inmate.

What must our "next step" be in light of the public's expectation that what we do increase their safety? I submit that it must the development of new strategies in the management of violence and disruption that answers the question "To what end -- for what purpose other than control?". Segregation and isolation in the 21st century must be coupled with purposeful management and treatment

strategies that give purpose to the placement that transcend mere control and leads to positive change. Segregation must be viewed as a housing placement only – not an end and outcome in itself – and must have a public safety objective.

Correctional strategies in the 21st century should include:

- ▶ Operations and management approaches that provide meaningful opportunities and incentives for difficult inmates;
- ▶ New staffing classifications and requirements that are consistent with the nature and level of inmate dysfunction and desired outcomes;
- ▶ Prison programs and operations in which all inmates are constructively engaged and which lessen boredom, conflict, and negativity in prison environments;
- ▶ Staff/inmate relationship and environmental assessments followed by concrete intervention strategies that identify and interrupt cycles of conflict and violence;
- ▶ Development of full-programming for hard-to-manage inmates with mental health problems that are similar in quantity and quality to what would be provided in mental health facilities or community services; and
- ▶ Mission clarification and program design that is consistent with the agencies mandate for “public safety”.

A massive agenda, indeed, and costly. It will require strong leadership in the reexamination of who is incarcerated and for how long with a view to conserving precious correctional services for those who pose the greatest, true threat to the community.

To go the “next step”, those with a voice and a platform must speak out. As Dr. Roy King noted, “*...it seems that no politician or even political commentator does anything to unwind the coil springs of public fear of violent crime which are so easily wound and so constantly rewound by anybody seeking public office. Institutional criminology seems either not to have a voice, or if it does, is simply drowned out.*” (emphasis mine).

Where is the voice of correctional leadership? Where is the outcry? Where is the outrage? Where is the voice of our correctional organizations? Our labor organizations?

They who lead our correctional agencies and organizations must demand to be heard in the Governor’s Cabinet, the Legislative Halls, Halls of Congress, community, and the media.

They must demand resources appropriate to the level and seriousness of the dysfunction being managed.

They must resist the insidious escalation of punishments that erode the quality of life and opportunities of those already incarcerated and the incarceration of thousands whose dysfunction or threat can be better met in the community.

They must resist the erosion – or gutting – of prison services that remove elements of hope, opportunity, and humanity and create cold warehouses of the unfortunate.

Then, and then only, can what we do become consistent with what we know and lead to outcomes that are consistent with public safety.

SUPER-MAXIMUM CUSTODY PRISONS IN THE UNITED STATES: WHY SUCCESSFUL REGIMES REMAIN CONTROVERSIAL

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Although the critical issues confronting prison administrators vary between countries, one problem is evident in most correctional systems. That issue relates to the management of the small number of violent and dangerous offenders who, for whatever reasons, engage in predatory or disruptive behavior while incarcerated. Though the proportion of such offenders is very small, typically accounting for less than 1-2% of the total prison population, they frequently present a very real threat to institutional order and security as well as to the safety of staff and their fellow inmates.

To control this small subset of the inmate population, correctional policymakers have historically relied on two principal strategies – dispersion or consolidation. While each of these methods have advantages, there has been comparatively little empirical evidence as to which is the most effective. Correctional systems have generally moved from one strategy to the other based on factors other than research results. Dissatisfaction with one method results in a shift in hopes that the other strategy may somehow prove more effective.

Under the dispersion model, inmates who represent management problems are scattered to as many prisons in the system as possible, thus limiting their total number in any single institution. In so doing, administrators hope that they will cease their disruptive behavior and begin to participate in regular institutional programs. Dispersal also seeks to prevent the establishment of groupings or gangs that attempt to control illicit activity through threats, intimidation, and violence directed toward staff and inmates.

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While it has the obvious advantage of not requiring an expensive "super-max" physical plant with its large staff, dispersal often results in each prison in the system being forced to employ high levels of security and control to deal with only the tiny minority of the population that requires such supervision. Consequently, the freedom and activities for the vast majority of offenders who want to serve their sentences without incident and seek release as quickly as possible are severely restricted.

To maintain order under the dispersion strategy, predatory offenders often end up spending long periods confined to disciplinary segregation units because of actual, threatened, or even rumored involvement in serious rules violations. When staff patience wears out, they are then likely to be transferred to another institution in an attempt to temporarily disrupt alliances with other troublemakers and to give them, as well as staff, a fresh start. But, experience indicates that simply transferring management problems from one prison to another reduces disruptive behavior for only a brief period of time – or until those inmates reach the stage in their lives where the aging process itself prompts a slow down in physical activity and a more contemplative state of mind. But as the current generation of troublemakers grows older, a new, younger group is always moving up to take its place.

The obvious alternative to dispersion has been consolidation – the intentional concentration of the most aggressive, escape-prone, and disruptive prisoners in a single facility where the level of security and the overall regime is specifically designed to control them. The small number of "super-max" prisons in the United States specifically designed and built to house these particular offenders are well due to the notoriety of the inmates, the drama of events in these prisons, and the controversy that these particular regimes evoke. And while the consolidation strategy can positively impact the quality of life and operations in other prisons in a system, it also has limitations. Although they are generally small in size, they require a large staff complement to insure security and control, and are therefore considerably more expensive to operate – ranging up to \$36,000-\$40,000 per year, per inmate, in some U.S. systems. And these special institutions, even when they are successful in controlling violence, tend to produce criticism that the punishment is too harsh and thus exacerbates already emotionally unstable personality problems.

Administrators and wardens/governors spend a significant amount of their time dealing with the concerns raised by this small percentage of their prison population.

Because of our backgrounds and academic interests, we are quite familiar with steps that the U.S. Department of Justice has taken since the early 1930's to try to manage the most violent and disruptive prisoners held in federal custody. In 1934, the Department of Justice acquired the former military prison on Alcatraz Island in San Francisco Bay and converted it into a high security penitentiary for "habitual" offenders and "intractable" prisoners – a Prison that became popularly known as "The Rock". Until its closure in 1963, Alcatraz served as the symbol of the federal government's no-nonsense approach in dealing with its most highly publicized offenders, its most sophisticated prison escape artists and riot leaders, and its most assaultive inmates.

The decision to close "The Rock" and to disperse its inmates to other federal prisons throughout the country was made for several reasons. One important factor concerned the high operating and maintenance costs of an island facility as well as the deteriorating infrastructure resulting from sea air corrosion. But, the primary consideration was a major shift in public policy in the United States regarding the purposes of imprisonment. During the 1960's, the federal prison system like those in many states, entered an era in which rehabilitation became the dominant rationale for penal confinement. The continued operation of Alcatraz, an institution dedicated only to incapacitation and deterrence, did not fit comfortably in a field that began to call itself "corrections".

While a new 500 bed maximum security penitentiary was authorized and constructed in Marion, Illinois to coincide with the closure of Alcatraz, a decision was made by the Bureau of Prisons and the Department of Justice to abandon the concentration model and to disperse problem prisoners to various federal prisons across the country. As a result, Marion was opened as a standard federal penitentiary with the full range of programs and activities and the freedom of movement for inmates that went with them. Marion operated in this manner until 1978 when as a result of increased conflict between inmates, often along the lines of race and ethnicity, and encouraged first by the growth of the "inmate rights" movement, and later by the drug trade, the level of assaults and violence directed toward staff and inmates passed the level of tolerance in the federal system.

Controls and restrictions including the establishment of a special high security "control unit" within Marion increased over the next few years until late October, 1983, when two correctional officers were murdered in separate incidents on the same day and on the following day, the 26th inmate was killed. From that date to the present, Marion

returned to the basic elements of the Alcatraz regimen now officially called, "indefinite administrative segregation," but more popularly identified as a "lockdown". The press and its critics soon labelled Marion, "the New Alcatraz."

The basic elements of a "lockdown" regime in the federal prison system, consists of the following key elements:

1. Each inmate is housed in a single cell.
2. No congregate activity is allowed, except in pre-transfer units.
3. Inmates spend 23 hours of each day in their cells, emerging only in handcuffs and leg restraints to be escorted, one at a time, to an enclosed exercise area or to a locked, barred shower stall.
4. Educational (correspondence courses), religious, and case work activities are conducted by staff through the bars of each inmate's cell, inmates do not go to their offices.
5. No contact visiting is permitted, except with attorneys.
6. No commissary is allowed; cell activities are limited to watching a 5-inch black and white TV, listening to a radio (with earphones), reading, and writing letters and legal briefs.
7. Inmates do have access to books and articles from a basic law library, to paralegal assistance, and to their attorneys.

The principal differences between the Marion and Alcatraz regimes are that congregate activities, except for inmates confined to disciplinary segregation, were allowed on the Rock. A work assignment at Alcatraz was, however, a privilege to be earned by good conduct. There were no psychologists, case workers, teachers, or vocational training instructors on staff at Alcatraz. The Marion staff includes a psychologist, an education supervisor, and case managers, who deal with routine inmate concerns regarding transfer and parole hearings, family problems and access to educational and religious resources.

The key difference for the inmates at Marion is the right, never enjoyed by their predecessors at Alcatraz to uncensored written communication and contact visits with their attorneys, and access to a law library so that they may file legal briefs related either to their sentences or to the "conditions" of their confinement.

The use of physical punishment was not allowed at Alcatraz and is strictly prohibited at Marion. The punishment in both prisons was, and is, the restraint on activities and the limited number of privileges and amenities compared to standard penitentiaries.

The use of maximum coercive authority by the government always attracts the attention of the press, and since the 1960's, the electronic media, as well as from prison reform groups and inmates' rights organizations. Operations at Alcatraz and Marion have produced the same allegations from critics:

1. That men are psychologically disabled as a result of serving long years under such highly restrictive regimes.
2. That inmates from these prisons transferred back to standard penitentiaries are so filled with rage at being kept "like animals in a cage" that they strike out against other prisoners and particularly against employees of the system that so confined them.
3. That when they are finally released to the "free world" their post-release criminal conduct will demonstrate that the anger engendered by their experiences in Alcatraz or Marion will be taken out in the form of assaults on the citizens.

It might have been a little more difficult to close Alcatraz in 1963 if the accuracy of these charges had been known at the time, but follow-up studies require that years pass to measure post-release behavior. And for prison staff, their current prison population is almost always considered to be more difficult or dangerous than its predecessors. In any case, Alcatraz represented the wrong symbol with the new emphasis on "rehabilitation" – a policy direction in which the federal prison system was expected to play a leading role. But, we now know the answers to the concerns that have been raised about the effects of confinement under super-maximum custody conditions as the result of a lengthy and comprehensive follow-up study of the 1,550 inmates who served time at Alcatraz from 1934-1963 – answers which contradict both the conventional wisdom and the opinions of most of the experts. Briefly stated, the evidence from this project which was funded by the National Institute of Justice, allows the following conclusions:

First, the proportion of the inmates experiencing mental health problems (measured at Alcatraz, at subsequent prisons and after release from prison, by the diagnoses of mental health professionals, by referrals to mental health wards, to federal medical centers, or to civilian mental health facilities, and/or placement on psychotropic drugs) was seven percent,

exactly the same figure found for a matched comparison sample of inmates who served time during the same three decades at Leavenworth, a standard federal penitentiary.

Second, fewer than ten percent of the inmates were returned for reasons of misconduct in the prisons to which they had been transferred from Alcatraz. Furthermore, a special follow-up of the post-Alcatraz conduct of the 250 inmates who had behaved badly enough to earn a trip to the island but were suddenly returned to other prisons when the decision was made to stop operations in 1963, indicates that few resumed their troublemaking ways, although they quickly maneuvered themselves into the best inmate jobs in the prisons to which they were sent. (The Alcatraz staff, when asked if this evidence suggested that the inmates did not need placement in an Alcatraz type regime, uniformly responded that even a year or two on the Rock was sufficient to help prisoners "get the message".)

Third, and perhaps most importantly, half of the Alcatraz inmates, all officially labeled as "habitual, incorrigible" offenders, were not returned to prison after their release — a recidivism rate predicted by none of the more than 100 former Alcatraz inmates, officers, and administrators who were interviewed for this project. And, of those inmates who did come back to state or federal prisons as parole violators or with new terms, almost all stayed on the streets after their next release.

We know that most of you are thinking to yourselves "how much of the explanation for these findings lies in the Alcatraz regime and how much lies in the only correctional experience that has been consistently proved effective — the aging process." The Alcatraz Study indicates that both these factors worked together.

It is the case that most of the Alcatraz inmates were released when they were in their early 40's. But, interviews with the inmates who succeeded and with those who failed the first time they were released clearly indicates that these men came away from a penal setting in which they had been given plenty of time - with very few distractions - to think about their past experiences and their future prospects. As many inmates put it, "for the first time in my life, I stopped running around." A careful examination of the character of this group, and it should be emphasized that this is a special and atypical group of the entire federal prison population, shows them to be men with strong personalities who made decisions based on rational choice. They were not out-of-control automatons being buffeted about

by powerful, unconscious, psychological forces and early childhood experiences or by social disadvantages over which they had no control. This study clearly indicates that the Alcatraz inmates had the time and the inclination, by virtue of the aging process, to start calculating the costs and benefits of both past and future misconduct and that even those who later failed clearly understood what went wrong with their resolve to avoid doing more time.

Having learned something about the consequences of confinement at Alcatraz, we now turn to the question of whether men from the Rock's successor, the U.S. penitentiary at Marion, Illinois, appear to be reacting to their experiences living under a lockdown regime in ways that differ from their predecessors. Or, stated another way — are the same allegations about the damaging effects of a lockdown regime also incorrect?

At this point, David Ward wishes to note that this research reflects the willingness of the Bureau of Prisons to allow continued study by a university criminologist of its most controversial and highly publicized prison regimes and that the comparative study of the records of both the Alcatraz and Marion releasees now under way is being carried out by Ward and Thomas Werlich, Research Analyst at U.S.P. Marion. At this time only preliminary data based upon the experiences of the first 56 inmates to be released to the free world after confinement at Marion since the lockdown was imposed is available. But that data has produced a recidivism rate exactly the same as that found for the Alcatraz inmates — 50% of Marion's "career criminals" have so far not returned to prison. And, only 2 of the 28 inmates have been returned for committing assaults against persons: the most frequent reason for their return has been for drug or alcohol abuse. The Alcatraz follow-up has the advantage of looking at the post-release conduct of more than 500 inmates for many years and the experience of the Marion study group will become clearer with the passage of time and as the size of the study population increases, but it should be noted that other recidivism studies indicate that most failures occur during the first 36 months after release, a time period that does apply to the Marion releasees.

In regard to the other questions that relate to the impact of confinement under a "lockdown" regime we can also report that assessment of the mental health of the inmates conducted by a psychiatrist from the best known psychiatric clinic in the United States — the Menninger Foundation — produced expert testimony in a federal court hearing on the conditions of confinement at Marion that no significant deterioration was evident. Fewer than 5 percent of the inmates have, since 1983, been transferred to the federal medical

center for psychiatric reasons. An important finding for Bureau staff, and for inmates, is that all but 12 of the 450 men confined at Marion when the lockdown began have been transferred to other prisons and none of them has been returned for seriously injuring or killing an employee and only one has been returned for killing another prisoner. At Marion itself which experienced 26 inmate and 3 staff murders and hundreds of assaults on both staff and inmates prior to the imposition of the lockdown, only 5 inmates (in the more open pre-transfer units) and no employees have died violently over the past 10 and a half years. Finally, Bureau of Prisons figures indicate that rate of assaults and killings in other federal prisons showed a decrease which has continued since indefinite administrative segregation became the program at U.S.P. Marion.

In super-max or "maxi-maxi" prisons in the United States where the maintenance of order has become the principal goal, Marion has been clearly successful in reducing violence and its success can also be measured by the fact that 36 state departments of corrections have now established "Marion type" regimes in at least one of their prisons. But, success in controlling violence directed toward staff and other prisoners has not eliminated the controversy and the concerns that have been raised by inmates and special interest groups over the past six decades in regard to the federal government's super-maximum custody prisons. The unusual problem that this state of affairs poses for correctional staff is how to deal with criticisms of regimes for which there is strong evidence that they have proved to be successful.

One issue that invariably arises in regard to the government's most dramatic and thus most intriguing penitentiaries is whether or not the media should have access and be allowed to interview inmates. During the 30 years that Alcatraz was in operation, the Bureau of Prisons had a firm policy that included the press from even visiting the island and from having any contact, even through correspondence or by telephone, with any inmate or employee other than the warden (who met the press in an office in a federal building on the mainland). The result was that news reporters became even more determined to find out what was really happening on "The Rock" and were forced to rely for their sources of information on rumors, occasional leaks or comments by staff, but primarily on the sensational accounts of former inmates. Not surprisingly the prisoners told the media what they wanted to hear – that all sorts of gross physical and psychological abuses were being routinely inflicted on the hapless convicts locked up on "America's Devil's Island." Throughout its existence, Alcatraz was continually in the news as a result of the media's

speculation and periodic reports of events, such as escape attempt strikes, protests, and the occasional trials of prisoners in the federal court in San Francisco for crimes committed on the island. Most of these stories were highly inaccurate but they became a major factor in shaping the public's perception of the institution and the staff who worked there. The policy' of making absolutely no responses to press inquiries, not even to corrections of misinformation, and the denial of access to the prison for all but government officials helped to create the image of Alcatraz that has led Hollywood to make 14 movies to date about the prison and prompted the press to generate countless articles and stories, all of them critical of Bureau of Prisons policy and practices at a prison that held less than one percent of the federal prison population.

During the early 1970's, the Bureau reversed the press policy and began routinely allowing reporters to tour institutions and to interview inmates. While Marion continues to receive an inordinate amount of attention from the media and has been the subject of a considerable amount of negative publicity, the allegation can no longer be made that the prison and its staff are attempting to "cover up" or hide conditions when any inmate who agrees may be interviewed. Despite accounts by prisoners that the staff regard as incorrect, distorted, or misleading, federal correctional administrators agree that the open press policy has been beneficial in terms of more accurately portraying to elected officials, to other criminal justice administrators, and to the general public what goes on behind the walls of the federal government's best known penitentiaries.

Another important factor that did not apply at Alcatraz is that since the mid-1960's, federal district courts have played a major role in determining the basic conditions of living in all prisons, state and federal. U.S.P. Marion has been the subject of several cases brought by inmates and outside support groups which have alleged that "conditions," particularly under the lockdown regime, violate their constitutional rights to be protected from cruel and unusual punishment. In a recent case in which a group of inmates contended that the lockdown constituted cruel and unusual psychological punishment, the federal court after a lengthy hearing of much testimony from the inmate and government sides ruled that "indefinite administrative segregation" did not violate the inmates rights. Here again review by an outside agency of prison operations helped to provide public information, including the staffs testimony about prison life and problems and working conditions for them, has not negatively impacted operations

An important challenge in managing "super-max" prisons relates to staff, particularly correctional officers. Working under a lockdown regime with this particular collection of prisoners is an inherently stressful experience which can be both dangerous and intimidating. For that reason, correctional administrators must constantly be alert to staff morale, to the possibility of burnout, and to the development of unprofessional behavior. Unless well-trained and closely supervised, employees may respond to threats and violence by using inappropriate amounts of force when confronting disruptive inmates. One way in which administrators at Marion and at other federal correctional institutions attempt to control these types of staff inmate interaction is the requirement that videotaping be called for when a potential confrontation between officers and inmates appears likely; for example, the forced cell move of a resistant inmate. Years of experience at Marion has demonstrated that videotaping these incidents tends to insure that staff follow carefully drawn policies and procedures when using force. In addition, the tapes can serve as evidence if an inmate later alleges that he was abused by staff and they are available for viewing by news reporters, other government officials and for staff training purposes.

If high security persons are to have credibility with the public, the media, and with legislators and the courts, procedures must be developed to insure that only those few inmates in the entire system who require truly maximum control are transferred there. In addition, the classification and transfer process has to provide a mechanism for each inmate to be reviewed regularly so that he can be returned to a standard prison setting as soon as possible. Unless such a process is in place, there will be little inmate turnover and the high security facility will have no space for the small, but always emerging group of prisoners who are working their way up to Marion through the disciplinary segregation units of standard federal penitentiaries. High security prison staff tend to be suspicious of good inmate behavior ("he's just lying in the weeds or he's just trying to get us to relax") as well as bad behavior and are not inclined to believe that any inmate has changed his behavior for the better. Such views would not result in many recommendations for transfer if staff opinion was the only criterion.

The Federal Bureau of Prisons attempts to insure that confinement at Marion is for a specific time and purpose by delegating transfer authority to the director of the regional office which includes Marion and numerous other penitentiaries under its jurisdiction. Inmates transferred for control purposes are given an anticipated transfer date out of Marion shortly after they arrive. Unless they become involved in further disruptive behavior, they

will progress from lockdown status to an intermediate housing area and ultimately to a unit having congregate activities prior to being transferred to other prisons.

Without question, the operation of a high security prison such as Marion places a number of pressures on correctional administrators. As indicated, these institutions generate a significant amount of local, regional, and national media attention. In order to accurately respond to requests for information, it is important that governors/wardens assigned to these facilities have the ability to relate to the press and other groups in an open and forthright manner. By accurately presenting the institution's response to negative charges and claims administrators can have a positive impact on staff morale — someone speaks for them and their concerns — as well as helping communication with the local community.

Despite the problems, particularly the public relations problems that these special regimes produce, they have proved to be an essential element of correctional policy in American prisons. While it may seem somewhat ironic that correctional administrators must spend time defending practices that have proved to be highly successful, this situation reflects the ambiguity in American thinking that brings its traditional suspicion of the government's exercise of its power into conflict with the increasingly popular view that when offenders are locked up, it should not be in "a country club" and that the keys to their release should be thrown away.



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Supermax confinement, no less than any other, is subject to human rights standards contained in treaties signed by the United States and binding on state and federal officials....The conditions of confinement—individually and in their totality—should not produce physical or mental suffering that is unduly severe, unnecessary, or disproportionate to legitimate penal objectives, nor should they be pointlessly humiliating or otherwise inconsistent with the recognition that all prisoners are members of the human community.

OUT OF SIGHT

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OUT OF SIGHT:
Super-Maximum Security Confinement in the United States

I. SUPERMAX PRISONS: AN OVERVIEW	2
Why Supermaxes?	3
A Human Rights Analysis	3
Criteria for Supermax Confinement	4
Conditions	4
Duration	4
Abuse	5
Internal Review and Public Scrutiny	5
II. RECOMMENDATIONS	6
III. ACKNOWLEDGMENTS	9



I. SUPERMAX PRISONS: AN OVERVIEW

There are currently more than twenty thousand prisoners in the United States, nearly two percent of the prison population, housed in special super-maximum security facilities or units. Prisoners in these facilities typically spend their waking and sleeping hours locked in small, sometimes windowless, cells sealed with solid steel doors. A few times a week they are let out for showers and solitary exercise in a small, enclosed space. Supermax prisoners have almost no access to educational or recreational activities or other sources of mental stimulation and are usually handcuffed, shackled and escorted by two or three correctional officers every time they leave their cells. Assignment to supermax housing is usually for an indefinite period that may continue for years. Although supermax facilities are ostensibly designed to house incorrigibly violent or dangerous inmates, many of the inmates confined in them do not meet those criteria.

Supermax confinement, no less than any other, is subject to human rights standards contained in treaties signed by the United States and binding on state and federal officials.¹ According to these standards, corrections authorities must respect the inherent dignity of each inmate and may not subject prisoners to treatment that constitutes torture or that is cruel, inhuman, or degrading. Unfortunately, state and federal corrections departments are operating supermax facilities in ways that violate basic human rights.² The conditions of confinement are unduly severe and disproportionate to legitimate security and inmate management objectives; impose pointless suffering and humiliation and reflect a stunning disregard of the fact that all prisoners -- even those deemed the "worst of the worst" -- are members of the human community.

There is no way, of course, to measure the misery and suffering produced by prolonged supermax confinement. Inmates have described life in a supermax as akin to living in a tomb. At best, prisoners' days are marked by idleness, tedium, and tension. But for many, the absence of normal social interaction, of reasonable mental stimulus, of exposure to the natural world, of almost everything that makes life human and bearable, is emotionally, physically, and psychologically destructive. Prisoners subjected to prolonged isolation may experience depression, despair, anxiety, rage, claustrophobia, hallucinations, problems with impulse control, and/or an impaired ability to think, concentrate, or remember. As one federal judge noted, prolonged supermax confinement "may press the outer bounds of what most humans can psychologically tolerate."

Some inmates subjected to supermax confinement develop clinical symptoms usually associated with psychosis or severe affective disorders. For mentally ill prisoners, supermax confinement can be a living horror: the social isolation and restricted activities can aggravate their illness and immeasurably increase their pain and suffering. Moreover, few supermax facilities offer mentally ill inmates the full range of mental health services and treatment that their psychiatric conditions require.

¹ The principal relevant treaties are the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the U.S. June 8, 1992 and October 21, 1994 respectively. Detailed guidelines fleshing out the treatment of prisoners consistent with human rights principles are contained in the United Nations Standard Minimum Rules for the Treatment of Prisoners. Both treaties and the Standard Minimum Rules can be found at www.un.org.

² This briefing paper draws on extensive research on the operation of super-maximum security facilities in the U.S., including the inspection of eight state and federal supermax facilities. Human Rights Watch has published two human rights analyses of supermax facilities. See Human Rights Watch, *Cold Storage: Super-maximum Security Confinement in Indiana* (New York: Human Rights Watch, 1997) and *Red Onion State Prison: Super-Maximum Security Confinement in Virginia* (New York: Human Rights Watch, 1999).

Why Supermaxes?

In almost every state in the nation, exploding prison populations, meager budgets, and punitive political climates have overwhelmed the ability of corrections professionals to operate safe, secure, and humane facilities. They lack the funds to recruit, properly train and retain adequate numbers of staff, and to provide programs and productive activities for the men and women in their custody. Thinly staffed, overcrowded, and impoverished facilities breed tension and violence, particularly where prison management has not placed a high priority on promoting staff-inmate and inmate-inmate relations predicated on mutual respect. Many corrections authorities have turned to prolonged supermax confinement in an effort to increase their control over prisoners. They believe that if they can confine all the most dangerous or disruptive inmates in facilities designed specifically for that purpose, they will be able to increase safety and security in other prisons. Some thoughtful corrections professionals, however, recognize that the proliferation of supermax facilities is unwise. While acknowledging that there will always be a few extremely dangerous or disruptive inmates in a prison population who need to be segregated for extended periods of time, they believe placing thousands of prisoners in prolonged isolation is neither good corrections practice nor necessary. Reducing the size of prisons and providing increased prison services and programs would help address the very problems supermaxes are now supposed to remedy. Unfortunately, few corrections professionals have been willing to publicly voice their objections to supermaxes, urge corrections strategies that would make supermaxes unnecessary, or even suggest more humane alternatives for high-risk inmates to the current supermax model of isolation and deprivation.

A significant impetus for supermax confinement also comes from politicians. Crime and punishment have been central issues in American politics for over two decades, and advocating harsh punitive policies for criminal offenders remains a politically popular position. Elected officials advancing tough-on-crime policies have promoted large supermax prisons for their symbolic message, regardless of actual need. Fearful of being accused of "coddling inmates" or being "soft on crime," few politicians have been willing to publicly challenge supermaxes on human rights grounds.

There has been scant public debate about the penological justification for supermax confinement, its high price in terms of the misery and suffering it inflicts, and the likelihood that it reduces an inmate's ability to make a successful transition to society upon release. The public has either been indifferent or has uncritically accepted the punitive penal views of those who endorse the supermax approach. Judicial scrutiny has been limited by both the courts' tradition of deference to the judgments of prison officials and by jurisprudence that sets an extraordinarily high threshold for finding prison conditions to be unconstitutionally cruel.

In short, neither elected officials, the courts, the public, nor corrections professionals have opposed the proliferation of supermax facilities or insisted on better conditions within them. Prolonged segregation that previously would have been deemed extraordinary and inconsistent with concepts of dignity, humanity, and decency has become a corrections staple.

A Human Rights Analysis

A human rights assessment of supermax confinement requires consideration of three factors: eligibility criteria, specific conditions, and the duration of confinement. Each must be considered in relation to the others. For example, extreme restrictions and controls that might be considered reasonable in dealing with incorrigibly violent inmates become excessive for inmates who are not. Deprivation of sources of stimulation, human contact, and activity that may not be unbearably cruel for some inmates can become torture when imposed on mentally ill inmates. Harsh conditions that might not be unacceptable for a month or two become inhuman and degrading when imposed for years.

Criteria for Supermax Confinement

Many correctional authorities use overly broad and vague criteria for determining supermax eligibility and fail to exercise appropriate control over placement decisions. As a result, inmates are placed in supermax confinement even when such restrictive controls are clearly excessive in light of their behavior—for example, prisoners who are difficult but not dangerous, who have been involved in a single fight, who have accumulated a record of minor, non-violent disciplinary infractions, or who are gang members but have not been involved in any misconduct.

Thoughtful corrections professionals would acknowledge that such inmates could be managed adequately through other avenues of control. But if a state has a supermax facility, there are overwhelming institutional temptations to send any troublesome inmate there. The temptations are particularly difficult to resist when a state has a shortage of prison beds at lower security levels. Faced with prison population pressures and unwilling to leave expensive supermax facilities half empty, officials in practice expand the criteria for supermax eligibility. Corrections officials also frequently place disruptive, mentally ill inmates in supermax confinement because they lack other housing options, such as secure mental health treatment units or segregation units specifically designed for mentally ill offenders.

Conditions

Whether incorrigibly violent or simply a nuisance, all inmates sent to supermax facilities live under conditions, rules, and policies designed for the former. The extraordinary security controls, isolation, and lack of in-cell as well as out-of-cell programs and activities cannot, however, be justified on security grounds for inmates who are not chronically dangerous. Even for truly dangerous inmates, many of the strictures of supermax confinement are pointlessly harsh and degrading, particularly if imposed for long periods of time. In some states, the conditions are so extreme—e.g., lack of windows, denial of reading material, a maximum of three hours a week out-of-cell time, lack of outdoor recreation—that they can only be explained as reflecting an unwillingness to acknowledge the inmates' basic humanity.

When pressed, some corrections officials acknowledge that many specific supermax conditions and policies are not required by security. They assert that harsh conditions are nonetheless justified as a general deterrent to misconduct, i.e. that general population inmates behave better because they want to avoid being sent to a supermax. There are, however, other ways to encourage good conduct than to raise the specter of supermax confinement and, to date, there is no data proving such a deterrent effect.

In some jurisdictions, supermax prisoners can acquire increased privileges and amenities—e.g. more telephone calls, access to radio or a television, the ability to walk to the shower without handcuffs or shackles—as an incentive and reward for appropriate behavior. But the privileges usually only reflect a tinkering at the edges of the basic model of confinement and do not significantly ameliorate the conditions. Moreover, these "privileges" are taken away as punishment for even minor infractions.

Duration

The pain and psychological damage that supermax confinement inflicts depend in part on each inmate's character and psychological make up. But the length of time to which a person is exposed to these conditions indisputably aggravates the suffering. In most places, confinement to a supermax is for an indefinite term and may last for years before officials decide that an inmate is no longer a threat to safety and security and can be returned to a general population facility. In some facilities, inmates are supposed to be able to "earn" their way out through good behavior. By maintaining good conduct, they progress through different levels of privileges and programs until becoming eligible for release out of the supermax. But the process is akin to the game of "chutes and ladders"—a minor infraction can send an inmate back to the starting point. When the length of time in supermax confinement is extended because of minor rules violations, inmates are in effect receiving a disproportionate punishment. Moreover, there is no guarantee that good behavior will eventually secure a release: corrections authorities retain complete discretion over that decision.

Abuse

There is a heightened risk in supermax facilities that correctional officers will use abusive levels of force. They work in an environment in which the usual prison "us vs. them" mentality is exaggerated by the minimal staff-inmate interaction, the primacy of security over all other considerations, and the fact that the inmates have been demonized as "the worst of the worst." Perhaps not surprisingly, correctional officers in some supermax facilities have repeatedly crossed the line between the legitimate use of force and abuse. They have used force -- including cell extractions and the discharge of electronic stun devices, stun guns, chemical sprays, shotguns with rubber pellets and even guns loaded with lethal munitions -- unnecessarily, dangerously, and even maliciously.

The frequency and nature of staff abuse of inmates in a supermax (as in other prisons) is a reflection of management: abuse proliferates where management fails to signal unequivocally —through policies and their implementation—that excessive or abusive force will not be tolerated. In supermaxes with a pattern of excessive staff violence, management has tacitly condoned the abuse by failing to investigate and hold accountable those who engage in it.

Internal Review and Public Scrutiny

Corrections authorities must be able to exercise discretion and professional judgment in choosing where to confine inmates, but the exercise of such discretion carries the inherent risk of arbitrariness or error. Because of the extreme nature of supermax conditions, particular precautions are needed to minimize those risks and to ensure that no inmate is sent to, nor kept unnecessarily in, supermax confinement.

Unfortunately, in most jurisdictions, the criteria for determining entry to and exit from supermax confinement are so vague that arbitrariness and unfairness are inevitable. Few jurisdictions, moreover, have adequate internal review systems to provide a check to unnecessary supermax confinement. Inmates also have scant opportunity to challenge supermax decisions. Some jurisdictions do not provide inmates with a hearing. Where hearings are provided, they are frequently meaningless formalities.

Once an inmate is in a supermax, there is usually some sort of periodic review to determine if there is a need for continued segregation or, in facilities with progressive incentive levels, whether an inmate should be moved up or down. Unfortunately, the reviews are often perfunctory, concluding with reiterations of stale justifications. Staff rarely have adequate familiarity with or background information about inmates to make considered judgments -- and there are insufficient institutional incentives for them to give sufficient weight to the inmates' right to be free of unnecessary restrictions.

Principled leadership, careful staff training and supervision, and effective internal review processes can help minimize the possibilities of unnecessary supermax confinement as well as abusive conduct by correctional officers. But external and independent scrutiny is also important. Press and citizen group access to supermax officials and inmates, for example, can help deter abuses and promote public accountability. Constructive dialogue with public groups can lead to the identification and development of more humane and productive prison practices. Unfortunately, all too many corrections officials seek to deny the public information about prison operations, restrict media access to inmates, and refuse to permit private groups to inspect their facilities. Moreover, few states have an impartial and independent authority, such as an ombudsman or inspector general, that can monitor supermax conditions and provide inmates with an effective recourse against arbitrary security level decisions or mistreatment.

II. RECOMMENDATIONS

To assist in a human rights based review of proposed or currently operating supermax facilities, Human Rights Watch has developed a list of core recommendations. These recommendations do not address basic standards that should be adhered to in all prisons regardless of their security level, but focus on selected issues especially relevant to supermax confinement.

1) The use of super-maximum security facilities should be strictly limited.

- Prisoners should not be confined in extremely restrictive conditions of isolation and extensive control except when their behavior has shown them to be so chronically violent or dangerous and to pose such a demonstrable, extremely serious threat to prison safety and security that prison officials have no other choice. Mere membership in a gang, absent actual dangerous or predatory behavior, should not be the basis for supermax confinement.
- All confinement in supermax units should be for the shortest period of time possible in light of legitimate security and safety considerations. The length of time in supermax confinement should not be extended because of minor rules violations.
- Inmates should be able to reduce their time in supermax confinement through good behavior and the accomplishment of identified program goals.
- Inmates should have a meaningful opportunity to contest assignment to, or continuation of, supermax confinement, and they should have a meaningful opportunity to appeal. All inmates should be given in writing a detailed, individualized explanation of the specific reasons for their original and continued supermax confinement. Senior central office corrections officials should periodically review the justification for supermax confinement for each inmate. Any inmate kept in supermax confinement for a prolonged period should be able to obtain a review of the justification for such placement from an impartial, independent authority.

2) Physical conditions should be healthy and humane.

- Cells should have windows that permit natural light to enter, heating and cooling systems that maintain reasonable in-cell temperatures, and adequate air circulation.
- Inmates should be confined individually in cells; double-celling should not be permitted.
- Cells should be constructed to permit inmates sufficient unencumbered space for exercise, should at a minimum contain a writing surface and furnishing for seating, a sleeping surface, a mattress, storage for personal property, and should be designed to permit operation of televisions and radios.
- All inmates should have access to outdoor recreation areas that expose them to sunlight and fresh air and permit views of the natural world as well as to indoor recreation areas for use during inclement weather. Recreation areas should contain sports equipment and be large enough to permit energetic physical activity.
- Facilities should include common areas that can hold small groups of inmates engaged in congregate activity and spaces in which inmates can have confidential meetings, e.g., with mental health professionals.
- Inmates should be able to control the light in their cells.
- Inmates should be able to contact officers through intercom or emergency buzzers.

3) Mentally ill prisoners should be excluded from supermax confinement.

- Inmates should not be placed or retained in supermax confinement if they are mentally ill or have preexisting mental conditions that make them vulnerable to deterioration in supermax conditions.
- The mental health of all inmates in supermax facilities should be closely monitored. All inmates should have the opportunity to have confidential meetings with mental health staff out of ear-shot of other staff or inmates.
- All inmates should have access to a full range of mental health treatment, including individual psychotherapy; group, recreational, and vocational therapy; and medication.

4) Rules and programs for inmates should acknowledge their humanity.

- Policies about inmate activities, personal property, privileges, and programs should be no more restrictive than necessary for legitimate security considerations, should permit and encourage prisoners to maintain constructive lives and should acknowledge their inherent dignity and value as human beings. Unduly harsh conditions and extreme restrictions should not be imposed for purely punitive purposes nor as a general deterrent to misconduct by inmates in the general prison population.
- Inmates should be able to earn increased privileges and amenities through positive accomplishments as well as by avoiding rules infractions.
- Inmates should be permitted out of their cells every day for exercise or other activities. They should have the opportunity every day for at least an hour of extended direct interaction and conversation with other inmates or staff. In the case of custodial staff, this requirement for social interaction is not satisfied by whatever verbal exchanges occur during the delivery of meals or during escort procedures.
- The longer an inmate is kept in isolation, the greater the obligation for compensatory conditions, e.g. increased opportunities for programs and activities, increased time interacting with staff.
- Inmates should be given access to and encouraged to participate in programs and activities that permit the development of constructive skills and capabilities.
- Congregate religious worship and confidential meetings with religious personnel should be permitted.
- Frequent contact with families through telephone calls and visits should be permitted. Absent particularized security requirements in individual cases, inmates should be able to visit with families with handcuffs removed.
- Inmates should have access at all times to recreational, educational, and other reading material.
- Inmates should be provided effective transition programming before being released into the general prison population or to society at large.

5) Staff abuses should not be tolerated.

- Staff should be carefully selected and trained to manage difficult inmates with dignity and respect.

- Physical or verbal abuse or other forms of inappropriate staff treatment of inmates should be forbidden and that prohibition should be enforced strictly.
- Policies governing the use of force, the training and supervision of correctional staff, and staff disciplinary mechanisms should be designed to prevent the unnecessary or excessive use of force or other inappropriate treatment of inmates and to identify and hold accountable those who mistreat inmates or fail to maintain high professional standards.

6) **Independent and public oversight should be promoted.**

- An independent review board, legislative ombudsman, inspector general reporting to the attorney general, or other impartial authority independent of a department of corrections should be given responsibility to monitor supermax conditions, including by undertaking unannounced inspection visits, publicly reporting findings, and making recommendations as needed.
- Independent private groups should be able to investigate and evaluate compliance of supermax policies and practices.
- Access to supermax facilities, and to the inmates confined in them, by the press, religious organizations, and other private groups should be facilitated and encouraged.

III. ACKNOWLEDGMENTS

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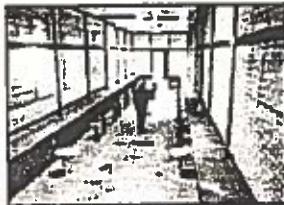
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Published May 19 - 25, 1999

THE SUPERMAX SOLUTION

BY JENNIFER GONNERMAN

Hopes, Fears, and Prison Building in an
Upstate New York Town

Malone, New York—The homes for the town's newest residents arrived last summer atop 14-wheel tractor trailers. Each tiny, prefab dwelling came furnished with two beds, a mirror over the sink, and steel-reinforced walls. With a photo and caption, the *Malone Telegram* heralded these new homes: "prison cell blocks arrive," evidently, prison building qualifies as good news in Malone, New York (Pop. 14,297), where concrete cages are not merely houses for criminals. To locals, they are also an answer to chronic underemployment, a magnet for luring new retail stores, and the best hope of recapturing Malone's boom years.

Each morning around 6:30 a.m., the rumble of construction trucks interrupts the quiet of this rural town 15 miles south of the Canadian border. Pickup trucks, bulldozers, and dump trucks careen down Route 37, turn onto Bare Hill Road, and thunder past a dog pound before stopping inside a vast clearing on the edge of Malone. Here, hundreds of men in hard hats are hurrying to finish construction of Upstate Correctional Facility, which will be the state's most punitive penitentiary when it opens this summer.

Upstate is the first New York prison built specifically to house the state's most dangerous inmates, making it a "supermax" in prison lingo. States across the country have erected supermaxes in recent years, but New York's will be among the harshest. What could be worse than spending 23 hours a day in a cell? Try spending 23 hours a day in a cell with somebody else. The most harrowing aspect of life inside Upstate is that confinement will not be solitary.

Severe overcrowding led New York's prison officials to begin double-celling inmates in 1995. Men shared a bunk bed at night but were out of their rooms during the day. This practice started with the least violent inmates, and it never applied to prisoners who had defied prison rules—and been sentenced to 23 hours a day in their cells. Until now.

Upstate will enforce a new form of punishment by locking pairs of men together, all day, in 14-by-8-1/2-foot cells. At this two-story prison, 1500

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inmates will be crammed together, watched over by 800 surveillance cameras and 370 guards. Rehabilitation is beside the point. The aim is to cut costs—to house as many prisoners as cheaply as possible without triggering a riot or an avalanche of lawsuits. Locking together pairs of criminals with a history of breaking prison rules may save dollars, but this policy has an ominous history. Pelican Bay State Prison in California is in the midst of eliminating this practice because 10 prisoners have killed their cell mates in the last few years.

Upstate's experiment in human containment requires the participation of Malone residents—without the town's leaders' encouraging its construction, and without men and women willing to work inside, the prison would not exist. Malone's citizens do not decide prison policy, nor do they, for the most part, commit the crimes that have packed the state's prisons. But they are the ones who will enforce Upstate's rules. In exchange, Malone will get what it craves: a boost for its ailing economy. The prison will create 510 well-paid jobs (including guards, administrators, and clerical workers). Townspeople hope it will also end the exodus of young people moving away in search of work.

Even so, this \$180 million prison is spreading unease throughout Malone. Some residents wonder exactly what will go on inside the high-security facility. Others are simply anxious that the prison will change their town for the worse. There are already two medium-security prisons in Malone, hidden in the same strip of forest where the new supermax is being built. And some residents are beginning to believe that the prisons' impact extends far beyond the lives of those who work inside.

Prisons seep into a town's psyche in ways that are nearly impossible to measure—shrinking civic pride, straining guards' marriages, feeding anxieties about race and crime. The opening of New York's 70th prison will transform Malone into one of the nation's largest prison towns. Soon, Malone will have an inmate population of almost 5000—far fewer than the 17,740 prisoners now in New York City's 14 jails, but a huge number considering that inmates will make up more than one-third of Malone's total population.

Inside its concrete walls, Upstate will reflect the nation's criminal-justice priorities at the end of this century: high-tech cost-saving over inmate rehabilitation. Beyond its motion-detecting fences, however, the townspeople's trepidation about their new supermax echoes the nation's growing doubts about its prison-building craze—a multibillion-dollar experiment in crime control that persists even as crime rates drop, that has imprisoned nearly 2 million people while permanently altering the landscape, economy, and spirit of hundreds of America's towns.

Todd Fitzgerald leans forward to shut off his tractor's engine and ponders how a supermax came to be built on his winding dirt road. "I don't think we're stupid up here and don't care," says the 37-year-old farmer, taking a break from plowing a field where he will soon plant alfalfa. "But there's low population density, and you don't get the opposition when you're building something controversial."

Todd did not want a maximum-security facility built just a patch of woods away from his house. But he did not fight it. Some of his neighbors signed a petition protesting the prison, but most people did nothing. "Up here," Todd says, "people think if the state wants to do something, they're really going to do it."

Decades of factory layoffs and farm closings have decimated the economy in Malone, leaving behind a town hungry for work and for hope. When Malone's residents tell a stranger about their hometown, they rummage through the recesses of their minds, dusting off decades-old memories of what once gave them paychecks and pride. Workers hurriedly sewing and gluing slippers at Tru-Stitch Footwear, a fixture in Malone since 1938. The gangster Dutch Schultz and his mobster pals buying beers for locals at the majestic Flanagan

Hotel on Main Street during the 1930s. The sprawling farm that everyone says brought in the largest spinach crop east of the Mississippi River.

Today, that 1200-acre farm is no more. Slippers sewn by the town's residents still appear in the pages of J. Crew and L.L. Bean catalogues, but over the last decade Tru-Stitch has shrunk its workforce from more than 1100 to 350. And a couple of years ago, a fire tore through the Flanagan Hotel. "It was like the heart and soul got ripped out of Malone," says one lifelong resident. Actually, the spirit of Malone had been taking a beating for years as its economy, like those of towns across New York's North Country, began to sputter.

Over the last two decades, prisons have become the North Country's largest growth industry, the panacea for its towns' economic woes. Since 1980, New York has built eight prisons in this part of the state, bringing the total to nine. Hoping to bolster its economy, Malone lobbied for a medium-security prison in the mid 1980s. It ended up with two: Franklin Correctional Facility in 1986 and Bare Hill Correctional Facility in 1988. Before long, the state increased the size of both prisons, from 750 beds to more than 1700 today. Initially, the state's new supermax was slated for Tupper Lake, a town 60 miles away, in the heart of Adirondack Park. But when environmental groups protested, the state again turned to Malone.

"We couldn't care less where the prison is built as long as we get the beds we need," says James Fataeu, spokesperson for the state Department of Correctional Services. "Nobody will make space available in New York City for a prison, and Governor Carey opened a prison in Long Island and got run out of town for it. So the only place left is upstate. Critics like to say we arrest people in the city and send them to prison so we can create jobs in upstate New York. That simply is not true."

Shipping thousands of prisoners to the North Country does accomplish what most people want from a prison—it keeps the criminals far away. Upstate could not be much farther from New York City—home to two-thirds of the state's prisoners—and still be within the state's borders. Meanwhile, the outskirts of Malone are starting to resemble a full-fledged penal colony. The new supermax is so close to Bare Hill Correctional Facility that an Upstate inmate staring out the back of his cell will have a tough time figuring out where his prison ends and the next one begins.

Most Malone residents, of course, will never see this view. But those who have stepped inside an Upstate cell do not forget the experience. Todd McAleese, a 27-year-old plumber, has been working on the prison for almost a year but cannot imagine surviving in one of its cells. "I'd be dead in a week," says Todd as he nurses an after-work beer at the Pines, a pub popular with the prison's construction workers. "I would not eat or drink and I'd be the biggest prick. I'd spit on every guard who walked by. I'd be doing swan dives off the bed." Todd pauses, then takes a sip. "But this isn't a regular prison," he says. "This is the worst of the worst."

Joyce T. Tavernier, Malone's Republican mayor, visibly shudders when she recalls peering inside an Upstate cell while touring the facility with fellow members of the prison's local advisory board. "We give our cats more room than that," says the 65-year-old mayor, while seated in her modest office next to a wooden pole with an American flag. "We all thought we wouldn't want to be in one, but I think everyone realized this is the way it had to be," she says. "We're not talking about people who spit on the sidewalk or cashed a check that bounced."

When Todd Fitzgerald, the farmer, spotted a tractor trailer carrying cell blocks parked along his road, he drove closer and poked his head inside. "You'd have to be a total animal to be locked up like that," says Todd, who owns 25 acres and 35 cows. "I think it would drive me nuts. But we don't know who's going to

occupy the cell. He probably deserves that or worse."

Few Malone residents will wind up in these prefab pens. And neither will you, unless you go to prison and refuse to obey the rules—unless you slice another prisoner, cut a hole in the fence, or stash cocaine in your cell. If you do misbehave, prison officials will slap you with time in the "box" or the "hole"—a "special housing unit" (SHU) set apart from the general inmate population. On any given day, close to 4000 of the state's 71,000 prisoners are doing time in special housing units at facilities across New York. They can be in there for a few weeks or many months. Or they could be looking at 17 years, as Luis Agosto was after he slammed a lieutenant in the head with a baseball bat during a 1997 riot at Mohawk Correctional Facility.

As the state's SHU population has grown, prison officials have run out of places to house these inmates. To solve this dilemma, the state converted one of its maximum-security prisons, Southport Correctional Facility, into a supermax in 1991. Putting hundreds of troublesome inmates together in one prison helps keep the peace at other state facilities. "It's a major management tool," says Flateau. But a few months after Southport's transformation, angry inmates staged a riot to protest conditions, taking three guards hostage for 26 1/2 hours.

Southport is still a supermax, but the demand for places to send rebellious prisoners persists. So over the last year, prison officials have added 100 SHU cells to eight prisons around the state, and have begun housing two men in each. The rest of the solution lies with Upstate. There, officials insist, the problems will be manageable. "When you get large groups of inmates—that's when you have problems," says Thomas Ricks, Upstate's superintendent. "But here there's never going to be any large groups of inmates. They're not as likely to get in trouble because they're only dealing with their cell mate."

If you get sentenced to at least 75 days in the box, you could find yourself on a bus headed to Upstate. The only way you can avoid this fate is if prison officials decide you are mentally ill or a "known homosexual." (In the state prison system, sex is banned and a sort of "don't ask, don't tell" policy prevails; you are a "known homosexual" if you get caught having sex or if you tell someone you're gay.)

At Upstate, your new home will be a 105-square-foot rectangular room. It'll be bigger than any other state prison cell you've lived in. But it's still no larger than the bathrooms in many Manhattan apartments. Step in and spread your arms, and your fingers will touch both your bunk bed and the wall. But don't even think about rearranging the furniture. The sink, toilet, desk, chair, mirror, and bunk bed are already bolted to the cell's five-inch-thick walls.

Prison officials say they will try to find you a compatible cell mate. If you smoke, you should wind up with a smoker. If you're small, you're not supposed to get a roommate who can easily overpower you. Most likely, you'll share a cell with someone who is the same race. You may spend your days obsessing about whether he has tuberculosis or HIV. And if prison officials don't do a good job matching cell mates, you could be assaulted or raped or killed.

At first, it might not be so bad living with a roommate. He may help you battle the boredom, and he could stop you from becoming suicidal. But it won't be long before sharing a cell all day every day becomes unbearable. You'll be able to tell what your cell mate has eaten for breakfast by the stench of his feces. And soon, you will feel like you are living inside his skin.

When you arrive at Upstate, the guards will confiscate most of your possessions—snacks, razors, radio, photographs. All you'll have to entertain you are a pen, paper, and your cell mate. You won't be trading gossip in the mess hall, napping through ESL classes, or playing ball in the rec yard. In fact,

you won't be leaving your cell at all. Food trays arrive through a slot in the door, and there's a shower in the corner that's carefully regulated to spew lukewarm water three times a week.

You will almost never see the prison's 370 guards. Nor will you see much of the "cadre" inmates, who keep the facility running, mopping the halls and doing laundry. To stay plugged in to the prison's gossip mill, you may try to chat with your neighbor on the "telephone"—by plunging all the water out of your toilet and shouting down the pipe. But if you're losing your mind, or if your cell mate turns out to be a "booty bandit" (rapist), you better pray the guard who is supposed to check on you every half-hour arrives. Good luck trying to get help from the outside world—from a jailer or an attorney with Prisoners' Legal Services (PLS). Prison officials don't let reporters interview inmates in the box, and Governor George Pataki shut down PLS last year by decimating its budget.

A guard in a central tower will control your access to the outside world. Each day, the officer will unlock your back door by flipping a switch in the control room. Now is your time for "recreation"—a privilege that the courts have said you must get. At Upstate, "rec time" means 60 minutes by yourself in the outdoor cage attached to the rear of your cell. It's about half the size of your cell, just big enough to do jumping jacks. You could try to wrap your fingers around the steel-mesh fence and do a few pull-ups. But you can't lift barbells, toss horseshoes, or shoot hoops. The cage is empty. Of course, even if you had a basketball, there's barely enough room to dribble more than a couple of steps.

Looking out from your own personal rec area—what one of the prison's architects describes as a "caged balcony" and some guards call a "kennel"—you see other cages and a dirt yard empty except for a row of surveillance cameras mounted on poles. Officers watch your every move, and if you don't come in from recess, they'll come get you.

But if you do follow the rules and don't irk the guards, you'll regain a few privileges after 30 days. You'll be able to buy candy from the prison store, though you won't actually be able to go there and pick it out. And you'll get back your own underwear, so you can ditch that state-issued pair. Stay clean and you will eventually escape this prison-within-a-prison. You'll be shipped to another facility to finish off your sentence or sent straight back to the streets.

When Malone's townspeople discuss their new supermax, phrases like "double-celling" or "inmate-on-inmate assaults" rarely pop up. Instead, they talk about family reunions. Raymond Head, 35, is hoping the new prison brings home his brother Jamie. Back home, the two used to hang twice a week—"wrestling, playing Nintendo, whatever brothers do," Raymond says. But now that Jamie, 28, has become a guard at Eastern Correctional Facility in Ulster County, he rarely sees Raymond, a guard and union leader at Malone's Franklin Correctional Facility.

Career options are so few in the North Country that prison guard has become a popular choice. Many correction officers spend the bulk of their twenties working in other parts of the state before they can collect enough seniority to transfer home. When Raymond became a correction officer in 1984, he was assigned to Bedford Hills, the women's maximum-security prison in Westchester County. There, he earned \$13,800 a year, and lived in a \$700-a-month studio apartment. Rents in the area were so steep that some of his colleagues slept in their cars.

Raymond survived on 99-cent Big Macs and dreamed of a transfer back to Malone, where his \$45,000 annual salary far exceeds Malone's median household income, which was \$21,229 at the last census count. "I had no idea what I was getting myself into," recalls Raymond. "I thought about quitting a

couple times down there. I was pretty homesick."

Raymond did nearly four years at Bedford Hills before he got home. Since then, the wait for a transfer back to the North Country has stretched to six or seven years. The opening of Upstate could shorten this delay. Jamie filled out his "dream sheet" for a transfer to the new supermax, but ended up number 448. "They're only taking 326," Raymond says. "So he probably won't make it. He'll have to sit back and wait another year or a year-and-a-half."

Mayor Tavernier grows excited when she talks about Upstate's opening. "Malone has been dying a bit," she says. "There's been no new business for a few years. Since the prison has been announced, we have . . . a wholesale food place, Aldi, which we had not had in the area. And Price Chopper is coming to Malone. And a couple of drugstores that had stores in the area are building larger ones."

Indeed, when the construction dust clears, Malone will have a total of four drugstores and eight convenience stores. The enthusiasm the new stores have created seems to have little to do with residents wanting another place to purchase aspirin or toothpaste, however. In Malone, pounding jackhammers and the growl of bulldozers are less a nuisance than a morale booster.

The plethora of pharmacies in Malone is one of the few public signs of the town's invisible population. Local drugstores have contracts with the prisons; the inmates help keep them in business. And the best customers at the town's many convenience stores are prison guards, who often have long commutes. But this retail boom hardly meets everyone's needs. "You go through this town and that's all you see—24-hour convenience stores," says Gerald K. Moll, the police chief of Malone. "You can't buy a pair of jeans, but you can get coffee and a newspaper."

Shoppers hunting for bargains once flocked to J.J. Newberry on Malone's Main Street. But today, all they will find if they rub the dirt off the store's cracked windows is a cavernous room empty save for a plastic garbage pail. J.J. Newberry closed four years ago, and the dog feces caked to the cement walkway in front appears to be almost that old. Sears has left town, too. Now the best choice for Malone's clothes shoppers is Kmart. A waitress at a Main Street diner tells visitors, "When you go back to New York City, bring us some department stores!"

Hints of bitterness occasionally surface in conversations about Upstate, since some residents already feel left out of this new town. Lee Mandigo was thrilled when he first heard the state was building a prison less than a quarter mile from his trailer home. "I thought, 'Hell, I live at the bottom of the hill and I have carpentry skills. I could work up there for 18 months,'" says Lee, as he stands on his front lawn, nodding toward the evergreen trees in the distance that hide the supermax. But when Lee, 34, tried to land a construction job at the prison, he says he was told there were no more available. All the work had been contracted to out-of-town companies.

As the new supermax has grown, so has Lee's frustration. He has had to endure watching the prison get a little closer to completion each time he drives by, knowing that state money is flowing into other people's pockets but not his. More than a year has passed since Lee last saw a paycheck, and even when he had a job building roofs and additions for other people's homes, he earned only \$5.25 an hour. "There's not enough work," he says, slouching forward as he shoves his hands deep into his jean pockets. "Everyone is depressed."

To pay his bills and feed his two young children, Lee is clinging to the same hope that buoys many of his fellow townspeople. He's trying to get into the prison. When he's not caring for his one-year-old daughter, Lee pores over photocopies he made at the local library of a study book for the prison guard

exam.

Lee's other solution to his cash shortage involved sticking a for-sale sign in front of his house. Not long ago, he paid \$6000 for these seven-and-three-quarters acres of land, then bought a trailer home for \$7000. Lee figures his only chance for reaping a profit lies with the families of Upstate's inmates, and he plans to ask his real estate agent to advertise the property in a New York City newspaper. Already, Lee says he knows what the ad will say: "Be close to your loved one — 'torn of the hill! You can practically see 'em!"

Lee may be the only person in town worried about hoping the new supermax entices prisoners' family members to move here. At Embers, the town's busiest diner, this possibility evokes strong emotions. "The ones that are in prison now [in Malone], it's not that serious," says Myra Fleury, the diner's 63-year-old owner, who hustles around in a pair of fuzzy slippers, frying platefuls of bacon and refilling coffee mugs. "They're not killers. They're drug addicts, deadbeat dads." But the new inmates, Myra says, "won't be going home in two or three years. So I think you might see more families moving in. That's what people are concerned about."

"People are always afraid of changes," says Molly Augusta, who works the diner's grill. Myra nods in agreement. "Especially in small towns," she says.

The new prison has kept Malone's rumor mill grinding for nearly two years. They're going to put the state's death house in Malone. They're building a gas chamber. They're building a women's prison. They're building a prison hospital. They're opening a home for the criminally insane. They're building yet another men's prison. They're building housing for inmates' relatives. State prison officials insist none of these rumors is true. Each has not stopped them from flying around every bar and coffee shop in town.

The town's most persistent rumor is that prisoners' families are moving to Malone. This fear is not completely far-fetched. A few inmates' relatives have moved to nearby Dannemora to be closer to Clinton Correctional Facility, a maximum-security prison. But this rumor is repeated so often, and with such conviction, that it seems to be about something far more than a handful of relatives. Perhaps the wives and mothers and girlfriends and children of inmates represent everything Malone fears most. They are mostly poor, African American or Latino, and from New York City. Townspeople insist that if these strangers move here, they'll rob Malone of its small-town feel. Residents worry about having to lock their doors when they leave their homes, or no longer recognizing most of their fellow shoppers at the Super Duper Supermarket.

What concerns townspeople most is crime. It has been on the rise here in recent years, and many locals blame the prisons. There are no statistics showing that inmates' families are the cause, however. "The only people who get in trouble are our local people," says Molly, flipping hamburgers on the grill. "When you read about anyone breaking into a place in the paper, it's a local person—not someone whose husband is in prison."

When an almost all-white town is home to thousands of African American and Hispanic felons, anxieties about race and crime never stray far from the collective imagination. But few people in Malone want to talk about race. One exception is Kaye K. Johnson, who estimates that there are only 15 or 20 African Americans living in Malone, including her own family. In 1990, Kaye, her husband, and their then five-year-old son came to Malone from Trenton, New Jersey. "We moved here to get away from urban decay, crime, drug dealers on the corners," says Kaye, 51, as she serves tea in the living room of her tidy, split-level home. "We saw an ad in the paper: 'No crime. Cheap land. We called the number and they flew us up here . . . and we bought some land

on sight."

Since arriving in Malone, Kaye has launched a one-woman campaign to monitor and improve the town's race relations. Every time the *Malone Telegram* or the *Press-Republican* in nearby Plattsburgh mention prisons or racial incidents, Kaye cuts out the story. Her files are bulging. Recent additions include an article about a guard accused of public nudity (he was wandering around his porch dressed only in socks, then hiding behind a barbecue when cars passed) and another about a guard who was charged with sexually abusing an inmate in a prison laundry room (the inmate fought back, slicing the guard's penis with a coffee can lid).

Rooting through her manila folders stuffed with clippings, Kaye wonders aloud how the prisons have changed her town, how they have influenced residents' attitudes and behavior. "I'd never been called the N-word until I moved here," says Kaye, a teaching assistant at the local middle school. "At the same time, I've never met such nice people as I did here either. It's like two extremes." Kaye believes the prisons' racial imbalance is partly to blame for how some Malone residents treat her. "The attitudes of correction officers spill over into the community," she says. "Many of them haven't gone out of the area, and the only black people they know are in the prisons. I don't want to see these attitudes perpetuated."

So Kaye became Upstate's loudest opponent. Last year, she tried to stop its construction by filing a lawsuit with the help of the Center for Law and Justice, an antiprison group in Albany. Their suit included almost every conceivable argument against the prison: that it would spread tuberculosis and HIV, that it would increase noise in the area, that it would adversely affect the environment, that it would cause traffic jams, that it would disrupt water service. A state supreme court judge ruled against them, saying they had failed to show that Kaye herself would be adversely affected by the new supermax.

Like everybody else in town, Kaye worries about crime, and about all the worst aspects of urban life coming to Malone. So she too prays that inmates' relatives do not buy homes here. "I know all prisoners' families are not criminally prone or dangerous," Kaye says. "But you want your family to be safe and not have to worry about drive-by shootings. And not that Malone is going to escalate to that point, but . . . certain types of people—no matter what color they are—I don't want them around."

Three miles away from Kaye's home, workers are putting the final touches on the new prison—gluing tiles to the floors, sweeping up debris, preparing to add the superintendent's name to the metal sign out front. Soon the construction trucks will pull out of Upstate's 70-acre lot for the last time. People driving down Route 37 at night will see an even brighter glow, as the new supermax joins with the town's two other prisons to light the sky like a city in the distance. Malone's residents will not hear the shouts echoing down the corridors of their new high-security prison. But as pairs of violent criminals from New York City and around the state move into the supermax's cells, Malone's residents will be left to confront their fears, to decide what problems the prison solves and which ones it brings, and to wonder how this latest chapter in America's experiment in crime control will end.

Research assistance: Hillary Chute

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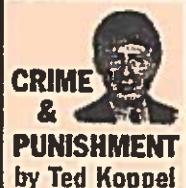


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Prison Gangs Serve Their Time a World Apart

'Blood In, Blood Out'

NIGHTLINE



CRIME & PUNISHMENT
by Ted Koppel

Part I: [Prisoners](#)

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Part IV: [Solitary](#)



Even in a part of the prison designed to isolate prisoners 23 hours a day, gang members communicate via elaborate hand signals.
(ABCNEWS)

By [Ted Koppel](#)
[ABCNEWS.com](#)

HUNTSVILLE, Texas, March 27 — The inside of a maximum-security prison is a dangerous place to be. It is especially dangerous if you're alone.

It doesn't much matter how mean or tough you are on the outside. In this place, you need someone to watch your back. The correctional officers are here to keep convicts from getting out. But there's not much they can do to keep a man from getting raped or cut, beaten or killed.

The Solitary Life of Gang Members

Before they were sent away, many of the black inmates already belonged to street gangs like the Crips and the Bloods. They're dangerous, but not well-organized, so prison authorities tend to leave them alone.

Authentic prison gangs, such as the all-white Aryan Brotherhood or the all-Hispanic Mexican Mafia, are in a different category. If prison intelligence confirms an inmate's membership in one of these gangs, the prisoner is automatically transferred out of the general population to the administrative segregation unit. If he's already a member when he's sentenced, he will spend his entire sentence in solitary.

An inmate could return to the general prison population if he renounced his membership in the gang.

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But then he would probably be killed. He has to shed blood to be accepted in the first place, and membership is considered a lifetime affair.

That's what's meant by the slogan "blood in, blood out."

"The reason I joined was because while you're in here, you know, you're not going to be able to do your time by yourself... What we're about is brothers."

— Barrio Aztecs gang member

Visiting days for most prisoners mean hugs and kisses. For a prisoner under segregation, it means no human contact, ever.

Communicating in Code

Texas plans to spend hundreds of millions of dollars building new specially designed high-security facilities, like the one at Estelle prison near Huntsville, to house the most dangerous and violent offenders.

More than half the inmates at this prison within a prison are here because they are believed to be members of disruptive gangs. It wasn't always like this.

Gang members used to be segregated from the general population, but were allowed to exercise together. An incident in 1985, captured on videotape by outnumbered guards, showed members of the Aryan Brotherhood gang turning on one of their own, stabbing him to death.

Now gang members are isolated, cut off from nearly all contact with each other. And gang violence is down.

But even in here, communication is not impossible. Recreation time provides the opportunity for one-on-one contact between cages. The gangs have perfected elaborate hand signals to communicate.

Gang intelligence officers are assigned to monitor gang members, talking to informants and reading inmates' mail.

"Just this past weekend we've had two homicides in San Antonio, one in Austin, and one in Dallas, Texas, that were related or suspected of being related to the prison gang activity, and that's just one weekend," said Sammy Buentello, who runs the war on gangs for the Texas prison system. He showed me a photograph that when peeled from its paper backing revealed a numeric code—instructions, he said, for a series of gang assaults on the outside.

Membership Has its Consequences

Discipline is the hallmark of the prison gangs. What terrorizes their enemies also keeps their membership in line.

Cellblock K at Estelle Prison, where members of the

Mexican Mafia are held in administrative segregation, is the quietest and best behaved unit in the prison. There is no angry yelling or banging on doors here.

**"Here, you're
a lot more
enclosed. If
you're not
careful, you
can go
crazy."**
—inmate
Speedy Garza

With more than 2,000 members in Texas prisons alone, the Mexican "Eme" are considered the largest prison gang in the country and one of the most violent, specializing in drug dealing and contract assassinations.

"We discipline ourselves," explained 55-year old Joe Saldivar, who has spent 16 years in solitary with little hope of parole. "We try to emphasize to all our members to have respect for the officer, because that will just minimize problems for us and for them. We just want to do our time."

The gang is his prison family, but its members are loyal not only because they want to be. The gang's written constitution spells it out: The consequence of disloyalty is death.

Racism as a Coping Mechanism

Travis Poole is serving 20 years for two counts of burglary. He is 27 years old, an avowed racist and a proud member of the Ku Klux Klan. He is kept in total isolation, confined to his windowless cell for 23 hours a day.

He is Virginia Poole's only son. She and her husband raised Travis in a Dallas suburb to respect all races. But he got hooked on drugs, was sent to juvenile detention at age 14, and to prison at 18.

When Virginia visits Travis at Estelle, they are not permitted to touch, only talk. She tells him to keep his hatreds to himself.

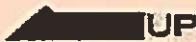
"I'm very ashamed of that," she says about his membership in the Klan. "It doesn't come from me or his father. It comes from prison."

But for Travis, who says he ended up in ad-seg for assaults and weapons possession, the Klan offered protection. "They write letters, they call the warden, they come up here when their members are having problems... they was caring."

Although he acknowledges that his parents raised him to be tolerant, he says he's come to believe in the gang's white supremacist dogma.

"No mother's child should be living in this," says Virginia Poole. "Sometimes instead of our system making better people out of them it makes them worse, and that hurts and everybody loses. Everybody loses." ■

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Manipulative Self-Mutilation — An administrative response

By Dennis W. Calfee
Lieutenant
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If correctional institutions have procedures aimed at reducing the incidence of manipulative self-mutilation, there will be positive administrative results.

In the motion picture "Bonnie and Clyde," Clyde (Warren Beatty) tells Bonnie (Faye Dunaway) that he has cut off some of his toes with an ax to avoid a work assignment in a Texas prison. In another motion picture, "Blazing Saddles," Cleavon Little, portraying the first black sheriff appointed in the Old West, takes himself hostage by holding a pistol to his head when the townspeople are not overly enthused with his arrival. His reaction when the townspeople acquiesce to his demands is that they can be so "dumb!" Unlikely as it may seem, these two different scenes from two widely divergent films serve to illustrate two main themes.

First, they illustrate the types of self-mutilation seen in corrections. And second, they show staff response to manipulative behavior.

Various types of self-mutilation will be examined here, as well as the different instruments and methods used to inflict wounds. Specific mental disorders are most often the cause of self-mutilation, and these disorders also will be discussed. I will examine, too, staff response, the design of the facility and crisis intervention.

If correctional institutions have procedures aimed at reducing the incidence of manipulative self-mutilation, there will be positive administrative results. The flow of contraband in the facility will be reduced. Staff will be more responsive to legitimate inmate complaints, and inmates will have an outlet for grievances with merit. In short, these methods will produce a safer, healthier, more hopeful correctional facility.

Types of Self-Mutilation

Inmates with psychological dysfunctions consistently find new and amazingly varied methods to inflict injuries upon themselves. If the self-mutilative behavior is manipulative, then permanent, serious injury is not usually risked. This type of self-mutilation is normally associated with schizopreniform disorder as described in the *Diagnostic and Statistical Manual of Mental Disorders* (Third Edition-Revised). Manipulative self-mutilation is most often associated with personality disorders; more specifically, the diagnosis of a border-line personality disorder.

Personality disorders are common in the prison population, as demonstrated by many

studies. Criminal behavior is a diagnostic Criteria for Antisocial Personality Disorder in the DSM-III-R. While the border-line personality disorder diagnosis is not common in penal populations, there is a considerable amount of "overlays" among the personality disorders. It seems that any pre-existing pathology can produce a pattern of manipulative self-mutilation. Poor impulse control seems to be the operative factor.

The most common type of self-mutilation seen in the prison setting is the laceration. Most often, these wounds are inflicted on the anterior aspects of the wrists and forearms. Occasionally, wounds are inflicted on the neck. Pulling the loose skin of the throat forward, cutting it with a sharp object, then tilting the head back produces a cut that is not serious, not life-threatening, but is definitely impressive. Less often, wounds are inflicted on the genitals and lower extremities.

These wounds are not serious and seldom require medical attention beyond cleansing with an antiseptic solution. If the laceration does require sutures, this provides an opportunity for another type of self-mutilation (the removal of stitches). The same wound can be reopened repeatedly. Foreign substances can be rubbed into it; and foreign objects, such as pens, pencils and pieces of glass can be inserted into the wound.

Razor blades are the most commonly used instruments for inflicting these lacerations. Currently, the Texas Department of Corrections uses BIC disposable razors. The blades are removed from these. They are then melted into or tied to the razor handles, toothbrush handles, the barrels of ballpoint pens or just left loose. Virtually any piece of metal can be turned into a makeshift scalpel by sharpening it on the cement floor or wall of a cell. Tabs from soft drink cans as well as pieces of the cans are used. Pieces of glass from broken windows also are used. In one exceptional case, an inmate removed one of his great toenails, sharpened it and tried to lacerate his neck.

Puncture wounds are seen less often. Ballpoint pens, pencils, nails and pieces of wire are used to inflict these. Razor blades as well as other inert objects are also sometimes ingested, with surprisingly few negative results. These episodes should be verified

Continued on Page 7

Continued From Page 6

with an X-ray.

Medications are often used to treat individuals with the tendency toward self-mutilation, providing another avenue for self-injury. Pills are often hoarded and taken in large doses. This hoarding is accomplished by "tonguing" (secretly pills in the mouth rather than swallowing them) or "palming" (secretly them in the hand) medication.

Various other self-mutilation techniques can be used. Water heated with immersion heaters or small fires are used to inflict burns. And paper is sometimes piled around the inmate or wrapped around the extremities and then ignited. Extremities are sometimes thrust into closing cell doors. Inmates also leap from elevated tiers. Hangings are feigned utilizing anything that can be formed into a noose, from shoelaces to belts.

Staff Response

Staff response covers everything from the design of the facility to staff response at the time of the incident. It also includes cross-training the staff and housing patterns for inmates.

Several concerns present themselves within a facility. The security of the building, ventilation and the safety of the residents must all be considered.

Cells should be designed for double occupancy, although it may be necessary to house an inmate in a single cell. Each cell should have individual controls for water and electricity. Runs should be designed to prevent inmates from jumping from elevated tiers. It is necessary to have a small number of cells with solid outer doors for housing inmates who persist in "splashing" staff (throwing various substances on employees).

If at all possible, an inmate should be housed in the general population. Where this population is properly managed, the inmate with poor impulse control can benefit from observing inmates following institutional guidelines. In some cases, however, this is simply not possible. To prevent an inmate from being victimized by others or victimizing others, he must sometimes be isolated.

Staff members must be able to recognize and deal with crisis situations. Security staff should be cross-trained in psychology and

medicine so as to be able to recognize inmates in psychological distress, defuse crisis situations, recognize the side-effects of psychotropic medications and perform emergency first-aid.

Treatment staff should be cross-trained in security procedures to promote better working relationships with security staff, reduce security breaches and reduce the manipulation by inmates of treatment staff against security staff.

Two glaring examples of the latter are a physician's assistant who issued a prescription for red bikini underwear (a contraband clothing item in an all-male institution) and a registered nurse who issued several passes for handcuffs not to be placed "too tight." Actions such as these serve to create friction among staff members and are inexcusable. Security and treatment staff should seek the same goal: a safe, well run prison.

When a staff member is faced with an inmate threatening self-mutilation, that staff member should, first, remain calm. A staff member who becomes overly excited will merely exacerbate the situation.

Speaking in a moderate tone of voice, the employee should make clear to the inmate that self-mutilation will not produce the desired result — staff compliance. The inmate's energies should be directed into desired outlets such as talking about the problem or using the inmate grievance procedure.

One must be prepared to listen patiently to an inmate discussing his problems. The keys are to remain calm and to make the inmate aware that manipulative behavior will not be rewarded. It also may be necessary to intervene if the incident is indicative of more serious pathology.

Conclusion

Two factors must be remembered: First, the procedures described here will not only reduce the incidence of manipulative self-mutilation but also will result in other benefits. The flow of contraband will be reduced, and higher morale will be noted for both staff and inmates.

Second, all procedures must comply with applicable state and federal regulations as well as applicable court orders.

Dennis W. Calfee is a 12-year veteran of the Texas Department of Corrections, with experience in both health services and building security. Currently, he is serving as a Lieutenant at the Diagnostic Center and is nearing completion of a Master of Science degree in clinical psychology.

THE PHILADELPHIA INQUIRER

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Trial of N.J. prisoner raises questions on restraint chair

Is it an important tool in containing dangerous inmates, or is it, as critics contend, a barbarism?

By Nancy Phillips
INQUIRER STAFF WRITER

Moments after inmate Steven Beverly fatally stabbed a guard last year at Bayside State Prison in Cumberland County, N.J., officers in riot gear pinned him to the ground, stripped off his clothes, put something like a football helmet on his head, and strapped him into a chair.

For the next eight hours, Beverly sat naked and immobile, his arms and legs strapped tightly to the chair, his body held down by thick straps fastened across his chest, shoulders, waist and shins.

After an hour, he complained that the restraints were too tight, that his extremities felt cold. After three hours, he was screaming that he couldn't breathe and begging for a doctor.

"I can't breathe. I can't breathe," Beverly cried out more than two dozen times. "I can't get no air in here."

Without removing the helmet from his head, a nurse examined Beverly and told him to calm down. She offered him some water through a straw and left the room. Beverly was crying as the cell door closed.

The restraint chair that held Beverly at the prison is in wide use across the country. Jurors in Beverly's recent trial in the killing of corrections officer Frederick W. Baker got a rare look at it as they watched a videotape of Beverly's confinement.

Corrections officials say the chair is an important means of immobilizing violent or disruptive prisoners who are a danger to themselves or others. They describe it as a humane alternative to the straitjacket or the use of chains and shackles.

Civil-rights advocates argue that it is a cruel device that can cause injury or even death.

"It's completely barbaric," said Kara Gotsch, a spokeswoman for the ACLU's National

THE PHILADELPHIA INQUIRER

33

2 OF 3

Prison Project. "They often strip [prisoners] naked, and they're left there for hours. They're left to defecate in the chair. It's just awful."

Last year in Utah, Michael Valent, an inmate who suffered from schizophrenia, was strapped in a restraint chair for 16 hours and collapsed and died shortly after his release. Valent's family sued, contending that he had suffered a blood clot, caused by immobility, that traveled to his lungs and caused a fatal pulmonary embolism.

In July, the State of Utah, without admitting wrongdoing, agreed to pay \$200,000 to Valent's mother, Angela Armstrong, and the state Corrections Department discontinued use of the chair, department spokesman Jack Ford said. A civil suit by Valent's family against the chair's manufacturer, AEDEC International of Beaverton, Ore., is pending, along with two others.

AEDEC president Dan Corcoran said the company vigorously disputed allegations that the restraint chair contributed to Valent's death and said it was perfectly safe when used properly. He dismissed critics, including Amnesty International, which cited the chair's potential for abuse in an October report on human-rights violations in the United States.

The report cited "serious abuses" in recent years involving prolonged use of the chair -- often without medical supervision. In some cases, it said, inmates were denied food or water for extended periods or left in their own urine or excrement.

"They say it's torture. Well, torture is physical harm," Corcoran said. "It's not an inhumane thing at all. It's a control device. . . . It's like [holding] a little puppy. You hold 'em and they slow down."

In the case of Beverly, who did not resist as corrections officers apprehended him after the stabbing, the chair's function appeared to be punitive, a use that Corcoran said his company did not recommend.

"That would be corporal punishment," he said.

New Jersey Department of Corrections regulations allow the use of restraints such as the chair when inmates pose a risk of injury to themselves or others, said Corrections Commissioner Jack Terhune. He said each of New Jersey's 14 state prisons had at least one "violent-prisoners restraint chair," although he said they were not used often.

"The use of the chair is the result of behavior," Terhune said. "You look at it in stark contrast, and it may seem a bit draconian. But it's a question of how do you best contain that individual and minimize injury to the individual or to the staff?"

Terhune and other Corrections Department officials declined to comment on why Beverly had been confined in the chair even though he had not appeared uncontrollable. They cited his criminal case and a pending civil suit filed by other Bayside inmates alleging they were beaten after the killing of Baker.

Corrections Department regulations prohibit the use of restraining devices as punishment and call for them to be removed promptly or "when the reason for their initial use has ceased to exist or has sufficiently abated."

THE PHILADELPHIA INQUIRER

34

3 OF 3

A videotape of Beverly in the chair made by prison officials as required by the state shows him immobile for more than eight hours. Jurors saw excerpts of that tape.

During his confinement, he was periodically examined by a nurse, who checked his respiration and pulse.

When Beverly complained that his extremities were cold and said he was concerned that his circulation was being cut off, the nurse checked his feet and said: "I feel a pulse, which means that you are getting blood to your feet."

Defense attorneys introduced an edited version of the videotape at Beverly's murder trial this month in an attempt to corroborate what they described as a pattern of mental and physical abuse at Bayside State Prison. They also said there was a pattern of racism at the prison and said that tension had factored into the killing of Baker, who was white, by Beverly, who is black.

Defense lawyers Jorge Godoy and Mark Catanzaro argued that corrections officers at the prison were abusive and provoked Beverly to the point where he snapped and killed Baker on impulse. The jurors rejected that theory and convicted Beverly of first-degree murder on Nov. 9, but they spared him the death penalty, finding several mitigating factors, including a climate of racism and anger in the prison.

The videotape introduced in the murder case stirred fresh outrage from lawyers in a civil case filed last year on behalf of hundreds of Bayside inmates who say they were beaten without provocation in the weeks after Baker's death. Jaime Kaigh, the lead lawyer in the lawsuit, said the prolonged use of the chair in Beverly's case was consistent with what he called a culture of abuse at Bayside.

"It's a medieval torture chamber," Kaigh said of the chair. "I believe the chair -- even if it's in common use -- is barbaric and a violation of the Eighth Amendment prohibition of cruel and inhuman punishment."

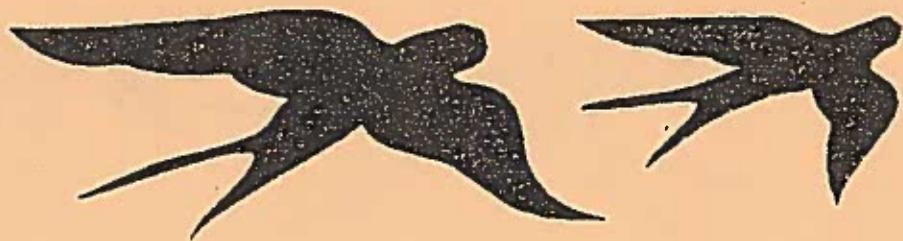
The videotape, meanwhile, has been subpoenaed by the U.S. Attorney's Office in Newark, which is investigating the reports of abuse at Bayside. In January, federal investigators asked the state to provide voluminous records, including videotapes of inmates who were searched or disciplined after Baker's killing.

According to the Associated Press, meanwhile, the state Department of Corrections yesterday said it had requested a transcript of the Beverly trial as it ponders a possible investigation of its own.



State of Ohio
Department of Rehabilitation and Correction

Mental Health Care in Ohio Corrections



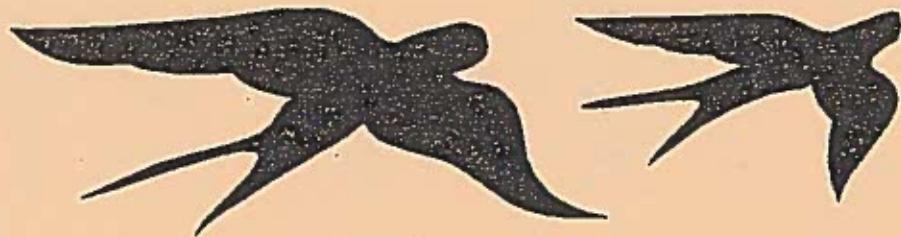
George V. Voinovich
Governor

Reginald A. Wilkinson
Director

Spring — 1997

State of Ohio
Department of Rehabilitation and Correction

Mental Health Care in Ohio Corrections



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Mental Health Care in Ohio Corrections

Table of Contents

Introduction	page 2
Vision and Mission	page 3
Reorganization and Expansion	page 3
The Community Mental Health Model	page 5
A Continuum of Care	page 5
Other Major Mental Health Services	page 6
Sex Offender Services	page 6
Services to Offenders with Mental Retardation	page 6
Best Practices	page 7
Quality Assurance	page 8
Training	page 8
Rules Infractions	page 8
Involuntary Treatment	page 8
Critical Incident Stress Debriefing	page 8
Partnerships	page 8
Mental Health in Parole and Community Services	page 9
Linkages for the Future: Reducing Recidivism of Persons with Mental Illness	page 9
Future Directions	page 10
Chronology of Events	page 11

Charts

Space for Prisoners with Mental Illness	page 14
Staffing Ratios	page 14
Primary Diagnoses	page 15
Medications Prescribed	page 15
Map of Mental Health Services	page 16





Ohio Department of Rehabilitation and Correction

1050 Freeway Drive, North
Columbus, Ohio 43229

George V. Voinovich, Governor

Reginald A. Wilkinson, Director

Dear Reader:

Over the past four years, the Ohio Department of Rehabilitation and Correction has undertaken the total reorganization and improvement of mental health care in our prisons. Several reports were issued in 1993 that were critical of prison mental health services. Following these reports, Dunn v. Voinovich, a class action suit alleging inadequate mental health care in Ohio's prisons, was filed. DRC and the Ohio Department of Mental Health, recognizing that significant improvements were needed, adopted a collaborative strategy to resolve the suit. As a result, Ohio has realized substantial savings in litigation costs and services have improved substantially. DRC entered into a consent decree for a five year period, thereby spending money to improve services that would otherwise have been spent on litigation.

Now, just three and a half years after the suit was filed prison mental health care has improved significantly and many best practices have been developed such as a model suicide policy, rules infraction procedures for seriously mentally ill, a mental health classification system, screening of all newly received inmates for mental illness, and a forced medication policy for some seriously mentally ill inmates who continuously stop taking medications.

We are particularly proud that Oakwood Correctional Facility, our psychiatric hospital, is now accredited by the Joint Commission on Accreditation on Healthcare Organizations. This is a momentous achievement because Oakwood is the only psychiatric hospital ever operated by DRC. We assumed operation of this hospital/prison just eight months before the accreditation survey.

Not only have we made significant strides in improving care for inmates with serious mental illness, but the Department has taken steps to significantly improve services to prisoners with mental retardation as well. DRC is contracting with several county boards of Mental Retardation and Development Disabilities to provide specialized training to inmates with mental retardation and provide linkages for these inmates as they return to their communities.

The establishment of the Sex Offender Risk Reduction Center (SORRC) has been a particularly important priority for me. It is absolutely critical that sex offenders understand that their behavior was wrong and the impact of their offense on the victim(s). SORRC assesses all inmates admitted to DRC and confronts them with the effects of their behavior on their victims. Other services in the inmate's parent institution are designed to reduce the risk of sexual reoffending. Once these offenders are paroled they continue to receive services if needed and are closely supervised to reduce the risk they pose to the community. Although we have made significant accomplishments, we will continue to make changes to improve care for offenders and to reduce the risks to our communities.

Sincerely,

A handwritten signature in black ink that reads "Reginald A. Wilkinson".

Reginald A. Wilkinson
Director



Ohio Quality Corrections ...



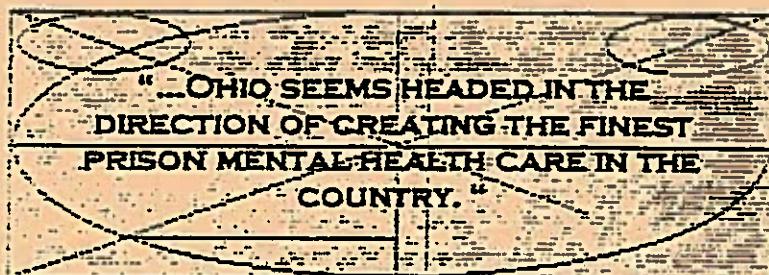


Mental Health Care in Ohio's Prisons

The Ohio Department of Rehabilitation and Correction (DRC) embarked on a challenging mission in 1993, that is, to take over responsibility for all mental health care in Ohio's prisons and to become a national model for services to prisoners with serious mental illness. Ohio has accomplished this and much more.

Dunn v. Voinovich, a class action lawsuit, was filed in federal court in October 1993, alleging inadequate mental health care in prisons. Rather than fighting the suit, DRC and the Ohio Department of Mental Health (ODMH), which, at the time, was responsible for providing psychiatric services in the prisons, adopted a cooperative and collaborative strategy. Central to this approach was engaging a team of outside experts, led by Fred Cohen, Professor Emeritus, State University of New York at Albany School of Criminal Justice, to conduct a detailed review and inspection of mental health care in every prison. As a result of the Team's report, the Departments negotiated a Consent Decree, again with the assistance of Cohen. ODMH was dropped from the suit and the Departments agreed that DRC would take over complete responsibility for all mental health services provided to prisoners.

Professor Cohen became the Monitor and while awaiting approval of the consent decree, he and his team provided consultation regarding bed and treatment space, staffing, policies, and program design.



Utilizing this approach Ohio has realized tremendous savings in litigation costs and has built a strong collaborative relationship with the Monitor and his team that focuses on improving services and care while avoiding unnecessary conflict.

An article was published in the October/November 1995 Correctional Law Reporter, "Ohio's Mentally Ill Prisoners Get Historic Consent Decree: Both Sides Agree," which describes the amicable nature by which Dunn was resolved. The article states:

"...Ohio seems headed in the direction of creating the finest prison mental health care in the country. Director Wilkinson, who already distinguished himself in handling the Lucasville uprising, once again shows his leadership and understanding of how to use the legal process..."

The Department is also committed to providing other mental health services that assist prisoners, parolees and probationers, the Department and the public in a variety of ways.

General outpatient services are available to all inmates. These services include group counseling and skill building and limited individual counseling directed toward assisting prisoners in managing their behavior and adjusting to the unique stressors associated with prison. Left untreated, many relatively minor problems could lead to serious suicide attempts and disruptive behavior that poses a threat to the safety and security of the prison. Thus, these programs assist corrections officers and administrators to effectively manage the inmate population.

Evaluations are provided for the parole board upon request. These evaluations assist the parole board in making determinations regarding an inmate's risk of violence, risk of reoffending or his or her treatment needs if released.

Expansion of sex offender services has occurred. The primary goal of the Department's system of sex offender services is to reduce the risk of sexual reoffending so that the public is not victimized. It is clear from the research and literature that there is no "cure." DRC's model for services ensures that all sex offenders receive periodic risk assessments, a regimen of basic education that confronts them with the effects of their behavior on their victims, and risk reduction programming for the highest risk

offenders who will likely return to their communities. The Department has also initiated a program to serve offenders with mental retardation. All prisoners received will be assessed for mental retardation and individual plans of services will be developed and implemented for those identified as mentally retarded. Also emphasis will be placed on timely community linkage of these prisoners as they return to their communities.

These initiatives represent a strong commitment by DRC to assure prisoners receive necessary treatment, to enhance the safety and security of each prison, and assure that upon release appropriate services and supervision are provided to help offenders reintegrate into their communities in a way that assures community safety.

Vision and Mission

Vision:

"A proactive mental health system supportive of staff dedicated to ensuring quality care to offenders in a safe environment."

Mission:

"Mental Health Services will ensure access to quality care that eliminates needless suffering, improves functioning of offenders and increases safety."

Why Provide Services to Prisoners with Serious Mental Illness?

DRC is committed to providing adequate mental health care to felony offenders for several important reasons.

First, the pain and suffering associated with serious mental illness is the same as that associated with serious medical conditions. No one would suggest that a prisoner be denied treatment for a broken leg or diabetes. By the same token, prisoners with serious mental illness must receive appropriate care for their condition.

Secondly, the behavior of inmates with untreated serious mental illness, negatively impacts the safe and orderly operation of a prison. When inmates' mental health needs are met, they are less likely to pose a risk to themselves, other inmates, and staff. Thus, security and safety are enhanced by adequate mental health services.

Third, the right to treatment for serious medical and mental health conditions was formally established in 1976 by the U.S. Supreme Court in Estelle v. Gamble. All serious medical and mental health conditions require treatment because prisoners are "captives", and therefore are not free to access this care on their own.

Fourth, adequate mental health care limits DRC's liability exposure, in that inmates are less likely to be successful in any suits for damages related to inadequate care.

In sum, DRC is legally bound and programmatically committed to providing adequate mental health care. This is in the best interests of staff, the community to which the prisoner will return, and the inmates themselves.

Dunn v. Voinovich: The Reorganization and Expansion of Mental Health Services in Ohio's Prisons

The need for mental health services for prisoners with serious mental illness was identified in the early 1980s. The Ohio Department of Mental Health's (ODMH) Office of Psychiatric Services to Corrections was created to provide these services. Over the years ODMH has moved many patients and services from psychiatric hospitals to the community. At the same time, DRC began a major building program for new correctional facilities. As patients in psychiatric hospitals decreased from 3,200 in 1989 to 1,300 in January 1997, the number of persons incarcerated in Ohio's prisons increased from 31,000 to 46,000.

When Governor Voinovich's administration began, ODMH Director Michael F. Hogan, Ph.D., and Director Wilkinson determined that the decrease in resources for mental health treatment in prisons was unacceptable at a time when the number of inmates was increasing. As a result, the two Departments collaborated on major programs to fill the gap in correctional mental health services. With the help of State Senator Robert Cupp and State Representative Bill Thompson, the underutilized Oakwood Forensic Center was transferred from ODMH to DRC and recommissioned as the Oakwood Correctional Facility (OCF). Within a few months, the hospital increased acute care beds from 50 to 82. Now the hospital provides acute care to 120 male prisoners and 11 female prisoners. Other prisoners are housed and work at the institution to provide janitorial, maintenance, and food service support.

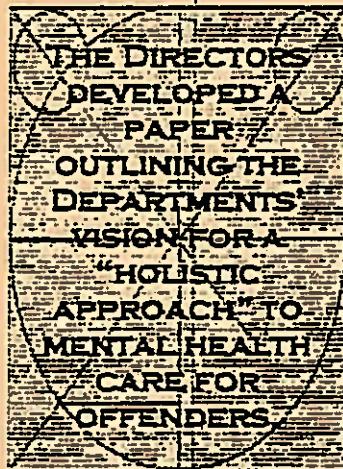
DRC, in partnership with ODMH, initiated a new, privately operated 80 bed mental health unit at Trumbull Correctional Institution, specifically targeted toward prisoners with serious mental illness. As the Departments continued to look at other alternatives for improving services, several events increased the scrutiny placed on mental health services.

In the wake of the 1993 disturbance at SOCF, several reports, including recommendations by the Governor's Select Committee on Corrections, the Correctional Institution Inspection Committee, and the OCSEA/AFSCME bargaining unit addressed the need for improved mental health care in prisons. All reports recommended substantial service expansions and the management of integrated mental health services by DRC. Following these reports, the Dunn suit was filed, which accelerated the Departments' efforts to improve services.

Rather than fighting the suit, the Departments adopted a cooperative and collaborative strategy. A team of experts, led by Fred Cohen, conducted a review of mental health care in all prisons. The Team issued its 800 page report in August of 1994 which recommended specific changes to substantially improve the service system.

Ohio has realized substantial savings by working collaboratively to improve services. Other states have spent millions of dollars on litigation that ultimately resulted in a finding in favor of the Plaintiffs.

Experts who have served as special masters and court monitors around the country have indicated at Ohio has approached this lawsuit in the most efficient and least costly manner of any state. Indeed, Ohio is a benchmark for the rest of the nation. Money that would have been spent on litigation has been spent on service delivery.



on a set of established standards of care.

"A singly managed delivery system for offenders with external oversight, responsible for development and monitoring of standards to ensure a continuum of quality, comprehensive, integrated mental health services. Resources will be provided to meet the needs of a customer driven system."

An interdepartmental team further developed this holistic approach and managed the transition of services from ODMH to DRC. A subgroup further developed this vision into a conceptual model of "holistic health care" that provides for:

- "integrated medical, psychiatric, psychological, and chemical dependency service delivery."
- "continuity of care within DRC and upon release,"
- an "array of services" and
- Delivery of services by "self-directed multidisciplinary work teams."

An "Open Space Conference" was held involving all the States' key stakeholders in October, 1994 with a mission to redesign the system. Participants included labor and management, wardens and mental health administrators, clinicians and security personnel, and prison and community representatives. The working assumption was that there was no mental health system. Participants had the opportunity to design the "ideal" system rather than "fixing" an existing system. As a result of this conference all key stakeholders were part of the process and part of developing the new design or approach.

By February 1995, nearly all substantive issues were resolved and the Consent Decree was being finalized. During this time, DRC asked Cohen (having been asked to serve as Monitor) to provide consultation in developing the new system to assure it was consistent with the goals and specific provisions of the consent decree. The Monitor participated in strategic planning with Department staff, visited all potential Residential Treatment Unit sites, and consulted regarding specific policies.

By July 1995, DRC had developed the infrastructure to take over responsibility for all mental health services, the Consent Decree was signed, and implementation began.

"Serious mental illness means a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the prison environment and is manifested by substantial pain or disability. Serious mental illness requires a mental health diagnosis, prognosis, and treatment, as appropriate, by mental health staff.

It is expressly understood that the definition does not include inmates who are substance abusers, substance dependent including alcoholics and narcotic addicts, or persons convicted of a sex offense, who are not otherwise diagnosed as seriously mentally ill."

Consistent with a community mental health model, prisoners with serious mental illness are distributed throughout the DRC's prisons so they have access to the same programs and services available to other inmates. Extra supports (similar to community support programs) may be necessary to maintain a prisoner in general population.

The Community Mental Health Model in Prison

Some of the key principles of the community mental health model adopted by DRC include:

Services are brought to the inmate whenever possible: Every effort is made to bring services to the prisoner to assist him to function effectively in his "natural" environment, that is, general population. When people are taken out of their natural environment for services, they often have difficulty transitioning from the treatment environment back to their natural environment, often a source of considerable stressors. Helping the prisoner learn to deal with these stressors in his natural environment is often more effective than moving him to a treatment environment. This approach not only helps prisoners adjust more effectively to their environment but is more economical because hospital care is considerably more expensive.

Services should be appropriate to the current level of need and not more or less restrictive than is necessary based on the treatment needs of the prisoner and the safety of the institution: Mental illness is not static. People with mental illness require different levels of care at different times. It is important not to under-utilized or over-utilize various levels of care. Over-utilization results in wasted resources and under-utilization results in a person not receiving necessary care. Careful placement of prisoners based on their level of need results in cost effective quality care.

Continuity of care is critical to effective management of the symptoms of mental illness: Care must be coordinated by all persons providing treatment to the prisoner and between various levels of care to assure the person's history of mental illness and symptoms, response to various treatments, suicide attempts, etc. can be considered in developing a treatment plan and successfully managing the illness. Because some mental illnesses are generally a life long condition, continuity is extremely important to assure the right care is provided.

Quality mental health care may best be described as providing the right service, to the right person, by the right person, at the right time, in the right place.

DRC's mental health services are regionalized into cost effective "clusters" of prisons. Residential and Crisis Stabilization Care are provided in one prison

within each cluster. Oakwood Correctional Facility, a Joint Commission on Accreditation of HealthCare Organizations accredited hospital operated by DRC provides acute care for male and female prisoners.

~~QUALITY MENTAL
HEALTH CARE CAN BEST
BE DESCRIBED AS
PROVIDING THE RIGHT
SERVICE TO THE RIGHT
PERSON, BY THE RIGHT
PERSON, AT THE RIGHT
TIME, IN THE RIGHT~~

A Continuum of Care

Oakwood Correctional Facility Acute Care - short term aggressive treatment for persons who, because of mental illness represent a substantial risk of physical harm to self or others or persons who are gravely ill and unable to function in the prison environment. 120 male beds, 11 female beds—2% of Prisoners with Serious Mental Illness

Crisis Stabilization Units - Short term aggressive mental health intervention designed to reduce the acute, presenting symptoms and stabilize the inmates prior to transfer to a more or less intensive care setting. These units will be created to reduce the need to provide additional expensive inpatient beds as the prison population increases. The units require 24-hour psychiatric nursing coverage to assure appropriate medical supervision and mental health intervention is provided. — No beds currently in place.

Residential Treatment Units - Housing Units within each cluster of prisons for prisoners with mental illness who do not need inpatient care but require the therapeutic milieu and full range of services and variable security available in an RTU. Fourteen percent of all prisoners with serious mental illness.

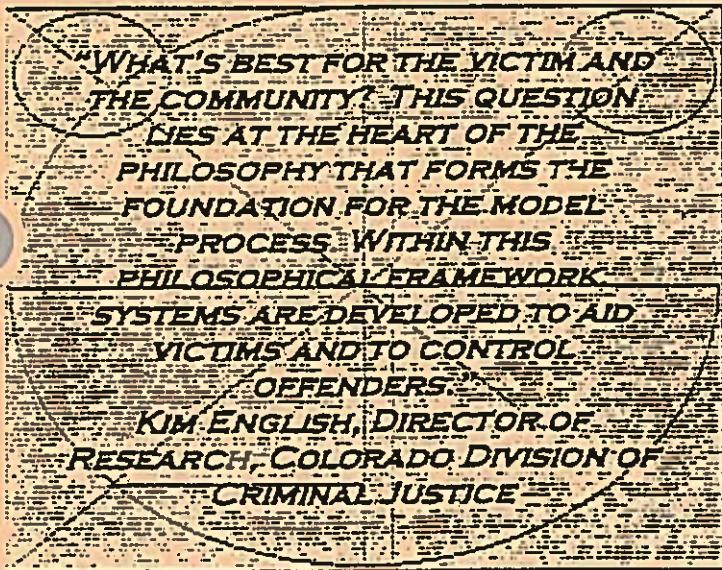
Psychiatric Outpatient Services - Mental health care and supportive services for prisoners with serious mental illness who can function satisfactorily in general population. Eighty-four percent of all prisoners with serious mental illness.

Other Major Mental Health Services

Sex Offender Services

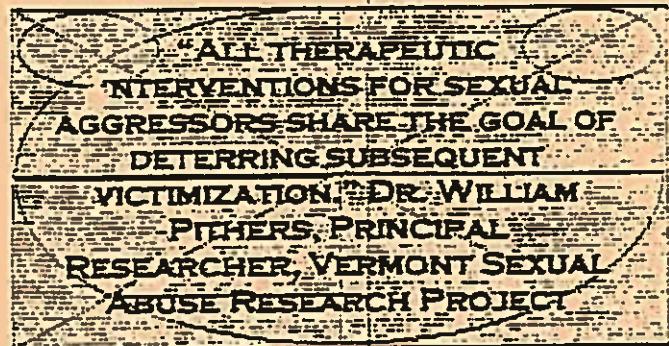
The issue of sexual assault has increasingly become a focus of public attention. In 1987, there were 2,500 adult sex offenders in Ohio's prisons. In 1997 there are 8,000 sex offenders in Ohio's prisons. House Bill 180, the Sexual Predator Law, was enacted in 1997 to better protect the citizenry of Ohio from the most dangerous sex offenders.

As emerging information about the nature of sexual aggression provides a more accurate understanding of this phenomenon, new approaches and methods are being implemented to manage sex offenders across the country. DRC is taking full advantage of this emerging knowledge to redesign and expand a system of sex offender services for the purpose of enhancing public safety and reducing victimization.



The primary goal and focus of the Department's system of sex offender services is to reduce the risk of sexual reoffending. It is clear, from the research and literature on sex offending that there is no "cure." The sex offender services model ensures that:

- All sex offenders committed to the Department receive a sex offender-specific assessment, including a risk assessment.
- All sex offenders receive a regimen of basic education that clearly confronts them with the effects of their behavior on their victims.



- Programs and services will be provided to sex offenders, who pose the most serious risk to society and who are most likely to return to their communities.
- All sex offenders will receive pre-release programming before re-entry into their communities, in an effort to teach them how to manage their highest risk behaviors.

The Sex Offender Risk Reduction Center (SORRC) at Madison Correctional Institution provides sex offender assessments for all male sex offenders committed to the Department. Before leaving SORRC all inmates participate in a 32 hour program to ensure they understand the nature of their victimization of others. SORRC is also being developed as a training center for sex offender services. All staff providing services to sex offenders will receive a core regimen of training, followed by on-the-job training and demonstration of competencies in this area.

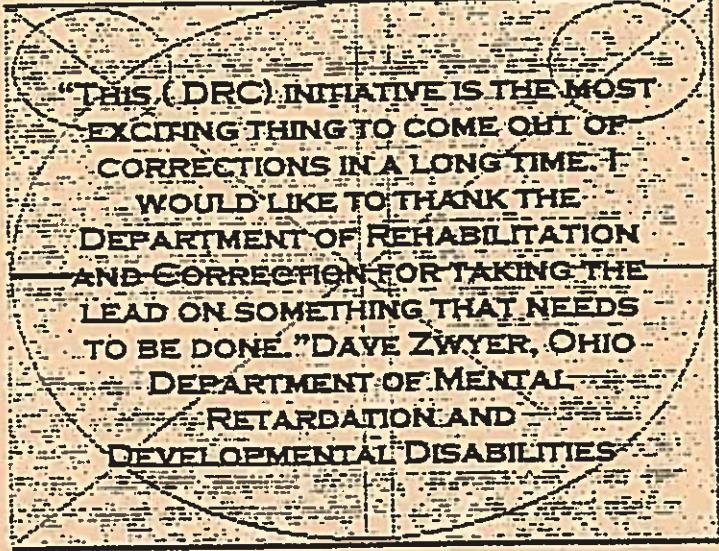
Realizing that the effective management of sex offenders will enhance public safety, the Department is developing an agenda for program evaluation and research. It is important to know what works with what type of offenders. Also, the cost-effectiveness of sex offender services must be analyzed. At the same time, DRC plans to contribute to the ever-growing literature on sex offending that provides deeper and more useful insights into this serious social problem.

Services to Offenders with Mental Retardation

With an ever increasing prison population, the number of offenders with mental retardation is also increasing.

The Ohio Revised Code 5120.051 mandates that DRC "provide for the needs of mentally ill and mentally retarded persons who are incarcerated in state correctional institutions." The Department is fulfilling this mandate by developing a relationship with the Ohio Department of Mental Retardation and Developmental Disabilities to:

- ◆ Assess all prisoners entering the correctional system for mental retardation.
- ◆ Develop, or retrieve from a local county board, an individual plan of service for each prisoner.
- ◆ Ensure implementation of that plan at the prisoner's assigned institution.
- ◆ Provide timely community linkage for prisoners leaving prison.



DRC is working with local county boards of Mental Retardation and Developmental Disabilities to:

- ◆ Establish working relationships with community professionals that provide specialized training for persons with mental retardation.
- ◆ Take advantage of the county boards experience in the assessment of persons with mental retardation.
- ◆ Enhance continuity of care from prison to the community when prisoners are released.

Best Practices and Accomplishments in Correctional Mental Health

Ohio's prison mental health system has developed several best practices and made significant accomplishments since 1993.

One of the most important was Ohio's approach to settling Dunn v. Voinovich. The collaborative approach utilized has resulted in tremendous savings in litigation costs and a strong collaborative relationship with the Monitor and his team that focuses on improving services and care while avoiding unnecessary conflict.

In March 1997 Oakwood Correctional Facility (the psychiatric hospital) was surveyed by the Joint Commission on Accreditation of HealthCare Organizations. Passing the Joint Commission survey, after only eight months operation, was a milestone for the Department, representing a strong commitment to quality care consistent with community standards.

The community mental health model, with a comprehensive continuum of care, has resulted in cost effective care for prisoners with serious mental illness.

Screening: All inmates received by the Department or transferred to other institutions within the system are screened by medical and mental health staff for the presence of mental illness to promote early identification and appropriate placement.

Segregation Rounds: Mental health staff conduct weekly rounds in segregation to identify inmates in need of services.

Regular Housing Unit Visits: Mental health staff conduct weekly visits to each housing unit to confer with unit and security staff regarding inmates who may be in need of services.

Classification, Tracking, and Transfer of Inmates with Mental Illness: A computerized classification system has been developed that identifies the current level of mental health care. Current mental health classification is verified on every inmate before transfer to ensure inmates are transferred to institutions with appropriate levels of care. Inmates needing higher levels of care are transferred within 72 hours. This classification system allows DRC to track the movement of inmates with particular mental health needs and assists in analyzing system-wide utilization patterns and future needs.

Medication Management: DRC's formulary includes the newer antipsychotics Clozapine, Risperidone, and Olanzapine. Protocols have been developed and implemented to assure appropriate utilization and monitoring of these medications.

Suicide Prevention: DRC's suicide prevention policy was recently revised and expanded to reduce potential for suicides and suicide attempts and to minimize harm from suicide attempts. Lindsay Hayes, a leading expert on prison suicide, consulted on the process, made recommendations for physical plant changes, and conducted staff training. The policy addresses staff training, identification/assessment, communication/referral, hiring, levels of supervision, documentation, interven-

reporting, and review. Criteria for "safe cells" have been developed and are being instituted in every prison.

Quality Assurance

Quality Assurance is more frequently implemented in hospitals rather than correctional settings. Because of the differences between hospitals and prisons, developing an effective quality assurance program in a correctional setting requires a new approach. The program has focused initially on major occurrences such as deaths, attempted suicides, etc. Tracking of all occurrences is currently being accomplished using PC based programs. The Quality Assurance Committee meets weekly to review major occurrences. Standards have been adopted and incorporated into the Department's Internal Management Audits.

DRC is working with a consultant to further develop this program. When fully developed the Quality Assurance Program will serve as a critical mechanism to assist DRC in monitoring quality of care, utilization of care, and risk management.

Training

A Statewide Training Oversight Committee meets regularly to identify training needs and plan training programs. This committee involves clinicians, support staff, bargaining unit representatives, and managers. DRC has provided a three day specialized mental health training for over 1200 correctional officers and institution staff during the past two years. All DRC new hires receive 8 hours of pre-service on mental health issues. All institution staff received 6 hours of annual in-service training on mental health issues. A training conference was held in May of 1996 which included experts in suicide prevention, various treatment modalities, and management of prison mental health consent decrees. Each year, DRC holds an RTU "Showcase" that highlights achievements and innovations in residential care. This conference provides opportunities for staff to share ideas and learn new skills. Southern Ohio Correctional Facility and Warren Correctional Institution have hosted these conferences. DRC has also become a provider of continuing education credits for the Social Workers and Counselors.

Rules Infractions

DRC has developed and is currently implementing a policy to assure prisoners are competent to proceed before being tried for a rules infraction and to assure that input is receiving from mental health staff and the prisoner's mental illness is taken into consideration during disposition at rules infraction board hearings. This assures that prisoners who break rules because of mental illness receive proper treatment but are not

automatically "excused" from punishment because they have mental illness.

Involuntary Treatment

Prisoners may be involuntarily medicated following a due process hearing. Forced medication may only be initiated at the hospital or a Crisis Stabilization Unit with 24 hour mental health staffing. However, once started, the order may continue for six months even after the inmate is transferred to an RTU or back into general population with psychiatric follow-up. It is expected this will prevent some prisoners, who become very dangerous to themselves or others when off medication, from continuously stopping medications. This will ultimately improve the quality of care for prisoners and reduce the risks to staff and other prisoners.

Critical Incident Stress Debriefing

The critical incident stress debriefing program was integrated into the Critical Incident Management process to assure staff receive appropriate support during and after critical incidents.

Partnerships

Ties with Professional Organizations are critical to the quality of mental health services. DRC has developed relationships with the American Psychiatric Association, Ohio Psychiatric Association, American Psychological Association, Ohio Psychological Association, American Association of Correctional Psychologists, American Correctional Association, and Ohio Correctional and Court Services Association. DRC has also worked with a number of universities including Wilberforce University, Kent State University, Wright State University, School of Professional Psychology, Case Western Reserve University Department of Psychiatry, Ohio University and the Ohio State University.

The Department's relationship with the Ohio Psychological Association was expanded to increase the number of training hours provided to DRC professional staff. Also, training has been extended to nurses, social workers, and psychiatrists in addition to psychologists.

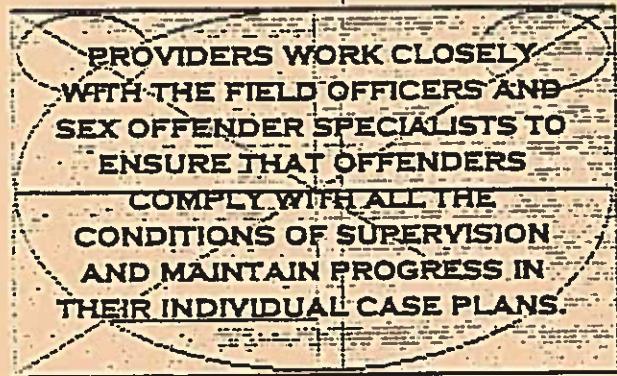
Contracts with Wright State University, Kent State University, and The Ohio State University have provided for placement of psychology and social work students at eleven prisons and central office. Interns from the Ohio University in Athens have been placed at three prisons. Mental Health Services participated in a job practicum at Ohio University. A tabletop display was prepared to assist with recruitment at a variety of professional meetings, seminars, and conferences.

Mental Health in the Division of Parole and Community Services

The Adult Parole Authority (APA) has four psychologists to assist the supervising officers with obtaining community mental health services for offenders who require them. The psychologist can also provide crisis intervention until a local provider can be obtained. The APA has contractual agreements with six mental health agencies to ensure continued treatment and monitoring in the community. Agency staff see that offenders comply with their case plans and the conditions of supervision.

Sex Offender Programming

The APA has four psychologists who serve as specialists in the area of sex offender programming for offenders released from prison under supervision. While the field officers provide direct supervision, the sex offender specialists establish, monitor and maintain records in the eight APA regions. They also monitor the progress of program development and case plans, and, ensure that supervision standards are appropriate and maintained.



Training

Each APA officer supervising sex offenders receives a minimum of 40 hours of training in the investigation, supervision and programming of sex offenders.

Accountability

In an effort to ensure that sex offenders are held accountable for their behavior, the APA has contracted with specialists who provide weekly programming for sex offenders under supervision. These providers work closely with the field officers and sex offender specialists to ensure that offenders comply with all the conditions of supervision and maintain progress in their individual case plans.

Mental Health/Substance Abuse Beds

Mentally ill offenders who resided in Residential Treatment Units while incarcerated and are released under supervision can maintain treatment in the community. Specialized beds are available in some Halfway Houses for offenders who require intensive residential mental health and substance abuse treatment. The facilities offer treatment ranging from transitional (a minimum of 30 days) to long-term care (one year or more).

Residential Treatment

Residential Treatment is a long-term therapeutic environment which provides clinical services for offenders with one or more of the following conditions:

- ◆ Mental Illness - an offender with a serious mental disorder which significantly impairs judgement, behavior or the ability to cope with everyday life.
- ◆ Mental Retardation - A significant deficit in intellectual functioning, with an I.Q. below 70.
- ◆ Chronic Chemical Dependency - A clinical diagnosis or indicators of chronic substance abuse. Stipulated drug/alcohol aftercare.
- ◆ Those in need of long-term sex offender treatment.
- ◆ Those who are unable to function without clinical intervention or support.

Residential care provides screening, assessment, individualized program planning, education and individual and group counseling with documented progress for discharge planning and aftercare. Linkages to aftercare services are also provided.

Linkages for the Future: Reducing Recidivism of Persons with Mental Illness

Community Linkages

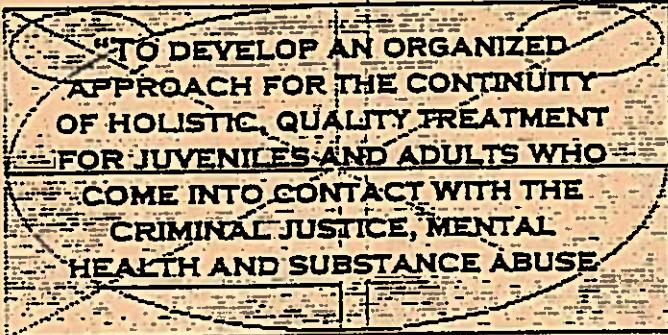
DRC is collaborating with the Department of Mental Health to provide linkages for inmates with mental illness leaving prison. Twelve community linkage social workers work with inmates prior to release to set up appointments with mental health agencies to ensure continuity of care. Effective programs must be expanded for offenders with mental illness who are leaving the prison system.

Persons with mental illness leaving prisons are less likely to recidivate if provided with effective treatment and supervision.

The National Coalition on Mental and Substance Abuse Health Care in Criminal Justice sponsored a policy Design Academy in September 1994. An "Ohio Team," was led by the Governor's Executive Assistant for Public Safety, Mary Mertz, and included representatives from ODMH, DRC, Ohio Department of Alcohol and Drug Addiction Services (ODADAS), and Ohio Department of Youth Services (ODYS), a community mental health board, an alcohol and drug addiction services board, a sheriff, and a family member. Ohio's team developed a vision statement that reads:

"To develop an organized approach for the continuity of holistic, quality treatment for juveniles and adults who come into contact with the criminal justice, mental health and substance abuse systems."

A follow-up work group of DRC, ODMH, ODYS, and ODADAS leadership held an Ohio Policy Academy, "Linkages for the Future," in which several counties participated. A Request for Proposals went to participating counties with the specific goal of assist-



ing them in developing community options for non-violent, mentally ill or chemically dependent offenders. Five of the counties that participated received funding to design programs to decrease the number of substance abusers and mentally ill offenders who were incarcerated and to increase the number of treatment slots available for criminal justice referrals.

Services will not improve for offenders unless the counties become more involved in planning, coordinating, and providing services for these persons. An integrated approach is essential to success in serving offenders in the community as well as in prisons. If a bifurcated system for providing services is developed which provides two separate systems of care, one for persons with mental illness or chemical dependency and one for persons with mental illness and/or chemi-

cal dependency in the criminal justice system, ultimately persons involved in criminal justice will receive fewer and less quality services and will more likely pose a threat to public safety.

Future Directions

One of Mental Health Service's most important goals is to achieve compliance with the Dunn consent decree.

Mental Health Services is working to obtain provider status for Continuing Education Units for psychology, nursing, and psychiatry.

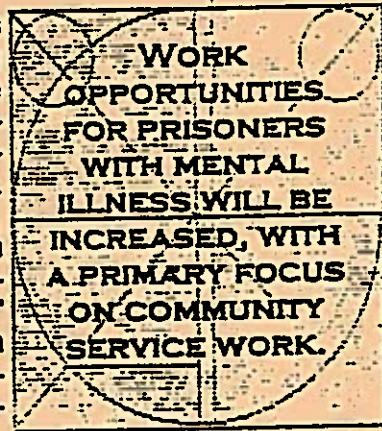
The current specialized mental health training curriculum is being refined and further developed. Regionalized training will be initiated in May 1997 to allow for greater participation by all staff.

Development of a complete continuum of care within all clusters of prisons for inmates with serious mental illness will continue. An RTU will be opened at Grafton Correctional Institution in the spring of 1997. An RTU is planned for London Correctional Institution for the spring of 1999. The new Toledo prison, to open in 1998, will also house an RTU.

Crisis Stabilization Units, with 24 hour psychiatric nursing coverage, will be established in all clusters as resources become available. This will control the need for hospital beds as the prison population and number of inmates with mental illness increases.

Work opportunities for prisoners with mental illness will be increased, with a primary focus on community service work.

The information management system and an "on line" integrated health care record will continue to be developed.



Methods for obtaining collateral information on prisoners admitted to DRC will be improved.

The Department is working with Mental Health Boards to increase their willingness to develop release plans and provide services upon release to offenders. The Department will continue to develop mechanisms to provide information to Mental Health Boards and providers to assist them in planning for treatment services for inmates released from prison.

Processes for providing comprehensive mental health evaluations and other information will be reviewed and improved to meet the needs of the Parole Board, parole officers and community Mental Health Boards.

The plan for improvement of sex offender services will be fully implemented.

Work will continue to improve recruitment efforts.

Credentialing processes will be created to ensure appropriately licensed staff provide services.

Mental Health Services is working with MIS to further study assaults by prisoners with mental illness so the impact of services on safety can be measured.

Chronology of Events in the Development of DRC's Mental Health Services

1991

April DRC and ODMH Directors met to discuss concerns about the level of mental health care provided in DRC.

May Results of an ODMH prevalence study revealed a 10% incidence of serious mental illness in the inmate population.

1993

February Study was conducted by the DRC/ODMH Interdepartmental Committee regarding needs of inmates, services available, and service expansions needed.

February Dunn v. Voinovich initial action filed.

August Governor's Select Committee on Corrections requested a mental health white paper from DRC regarding the adequacy of mental health services in prisons.

September	Directors announced plans for a privatized residential treatment unit designed for inmates with serious mental illness.
October	<u>Dunn v. Voinovich</u> amended complaint filed.
November	DRC and ODMH Directors contracted with a group of experts, headed by Fred Cohen, to review mental health services in prisons.
December	<u>Dunn v. Voinovich</u> Expert Team collected data regarding services in prisons.
1994	
January	Governor's Select Committee on Corrections submitted their final report to Director Wilkinson recommending a unified system of mental health services in DRC.
March	<u>Dunn</u> Expert Team toured the prisons.
April	Site visits by Expert Team concluded.
May	"Plan of Action" committee was created by Director Wilkinson to address the immediate concerns of the Expert Team.
June	Directors Wilkinson and Hogan convened their executive staff to evaluate the current mental health system for inmates.
June	Subgroup further developed the vision into a conceptual model.
August	Cohen and his Expert Team submitted their "Final Report: Mental Health Care in the Ohio Department of Rehabilitation and Corrections" to the Directors. The Directors accepted the report and chose a collaborative strategy rather than fighting the suit. Efforts began to improve the service delivery system and to negotiate a settlement to the suit.
September	Directors established an "A Team" to manage the transition of prison mental health service delivery from ODMH to DRC.
October	Funding was obtained to hire an additional 181 clinical staff and correctional officers.

October	"A Team" sponsored an "Open Space" conference involving stakeholders to develop a framework for providing health care to offenders in prisons and in the community, including before incarceration and upon release.	of SORRC is to evaluate all sex offenders and to ensure that they receive programming before they leave prison.
November	A community mental health model was adopted for providing prison mental health services. Each of ten "clusters," or groups of prisons will provide for all the needs of mentally ill inmates in these institutions.	Administrators of Mental Health Services were assigned in each cluster.
November	'96-'97 biennium budget was developed that recommended staffing to meet the needs of inmates with mental illness in prisons. A protected "line item" was recommended. Permanent post officers were recommended to staff crisis beds and residential treatment units.	Bed space was identified for treatment of inmates with serious mental illness. Capital improvements planning began.
December	"A Team" established several committees including Standards, MIS, Training, Quality Assurance, Classification, Forced Medication, Hiring Protocols, Reception, Recruitment and Program Evaluation.	Impact bargaining continued with bargaining units. Agreement was reached regarding assignment of officers in RTUs, their duties and training required.
1995		
January	Deputy Director for Mental Health Services was appointed. Psychological and Psychiatric Services were combined into the Bureau of Mental Health Services.	Training Committee finalized recommendations regarding pre-service mental health training, in-service training, and training for all staff assigned to crisis beds and RTUs.
January	Institutions' Deputy Wardens and their duties were reorganized so all medical, substance abuse, mental health, education and religious services are managed by a Deputy Warden of Special Services.	A board certified forensic psychiatrist was appointed Chief Clinical Officer for the Bureau of Mental Health Services.
February	Director established the Office of Correctional Health Care incorporating the Bureaus of Medical Services, Mental Health Services and Recovery Services.	Development of a Mental Health Database within the Management Information System began.
February	Deputy Wardens met to begin planning for integration of services. Plaintiffs' attorneys, DRC, and ODMH reached agreement on all substantive issues related to <u>Dunn v. Voinovich</u> .	Draft standards for Mental Health Services were completed.
March	Strategic Planning was conducted regarding mental health services.	Sex Offender Strategic Planning Conference was held at the Madison Correctional Institution.
March	Director Wilkinson announced the establishment of the Sex Offender Risk Reduction Center (SORRC) at the Madison Correctional Institution. The purpose	All former ODMH psychiatric staff transferred to DRC. Efforts began to fill 120 additional positions.
Reduc-		Pre-Site Consultative Visits began with Monitor.
		Reception screening process finalized.
		Bed and Treatment Space Study was completed and submitted to Monitor.
		First Quarterly Report was submitted to Monitor.
		Pre-monitoring consultative site visits continued.
		Capital budget plan was finalized which

	included adding program space in three institutions and renovating one RTU.	August	Recruitment Brochure finalized and printed.
December	Classification Committee developed a classification scheme for inmates with mental illness and revised the transfer process.	August	Work began with Ohio Penal Industries to develop prototypes for crisis/RTU beds, screens for windows, light fixtures and doors.
December	The first Annual "Innovations in RTU Care" was held at Southern Ohio Correctional Facility.	September	Program building prototype finalized. Two program buildings were sited.
December	Staffing plan for <u>Dunn</u> submitted to Monitor.	October	Twenty-two institutions were connected to the "backbone" so they could access the management information system. Screens were being developed for mental health services.
January	Second quarterly report submitted to Monitor.		
1996			
January	The Sex Offender Risk Reduction Center (SORRC) is opened at the Madison Correctional Institution.	October	Meetings continued with OCSEA bargaining unit regarding selection, expectations and training of officers in RTUs.
March	Staffing Ratios developed for psychiatric services.	October	A modified Rules Infraction Board process was finalized for mentally ill inmates.
March	Monitor began site visits to monitor progress toward meeting requirements of the <u>Dunn Decree</u> .	December	Regional RTU meetings held to determine selection and training for corrections officers assigned to RTUs.
March	Seven policies required by the Monitor were completed including: Involuntary Medication, Mental Health Rounds in Control Units, Mental Health Evaluation, Discharge of Seriously Mentally Ill from Caseload, Mental Health Screening, Psychotropic Medication and Mental Health Orientation.	1997	
March	RTU level guidelines were finalized.	February	Sex Offender Conference held.
March	RTU and Crisis Cell specifications were finalized.	February	Behavior Therapy Committee developed to consult on severe behavior management cases.
April	Inmate grievance procedure was enhanced/expanded for inmates with mental illness.	March	The <u>Dunn</u> Monitor reports to Plaintiffs' attorneys that DRC is making good progress toward achieving the requirements of the consent decree.
May	First Annual Mental Health Conference held.	March	Planning begins for the design of the RTU at the new Toledo prison.
July	Monthly report began to be entered into MIS system at each local site.	March	Oakwood Correctional Facility passes its survey by the Joint Commission on Accreditation of Healthcare Organizations, only eight months after taking over responsibility for clinical operations.
July	Responsibility for clinical services at the DRC psychiatric hospital was transferred to DRC. Prisons Medical Director hired.		

Space for Prisoners with Mental Illness

<u>Type of Beds</u>	<u>E.T. Report April, 1995</u>	<u>Current January, 1997</u>	<u>Plan June, 2000</u>
Hospital	88	131	131
RTU	182	752	956
Crisis Unit	0	0	124
Specialized RTU	91	58*	58

*Sugar Creek Developmental Unit

Staffing Ratios for Prisoners with Serious Mental Illness by Level of Care

<u>Reception Type of Staff</u>	<u>Psychiatric Outpatient</u>	<u>RTU/Crisis Outpatient</u>	<u>Stabilization Unit</u>
Psychiatrist	1:100	1:200	1:80
Psychiatric/MR Nurse	1:50	1:100	1:25 & 6 RNs for Crisis Unit regardless of size
Psychologists/ LISW	1:100	1:150	1:80
Social Workers/ Psychology Asst.	1:100	1:50	1:50
Activity Therapists	0	0	1:30

Primary Diagnoses - January 1997

	Residential Treatment Units	Psychiatric Outpatient Services
Schizophrenia	56%	15%
Bi-Polar Disorder	8%	8%
Major Depression	9%	31%
Other	27%	46%

Medications Prescribed - December 1996

	Residential Treatment Units	Psychiatric Outpatient Services
Anti-Psychotic	33%	18%
Anti-Manic	10%	8%
Anti-Depressant	16%	46%
Anti-Anxiety	5%	12%
Sedative/Hypnotic	1%	1%
Anti-Parkinson	25%	10%
Other	10%	5%

Mental Health Services



Mental Health Services

SOUTHEAST CLUSTER (# 1)
 SCI- CHILlicothe CORRECTIONAL INSTITUTION, Chillicothe
 BeCI- Belmont Correctional Institution, St. Clairsville
 NCI - Noble Correctional Institution
 RCI- Ross Correctional Institution, Chillicothe
NORTH CENTRAL CLUSTER (# 2)
 ManCI- MANSFIELD CORRECTIONAL INSTITUTION, Mansfield
 RICI- Richland Corr. Institution, Mansfield
 SCI- Southeastern Correctional Institution, Lancaster
SUGAR CREEK CLUSTER (# 3)
 ACI- ALLEN CORRECTIONAL INSTITUTION, Lima
 LCI- Lima Correctional Institution, Lima
TOLEDO CORR. INSTITUTION (CLUSTER #4)
 Toledo-Future Site
WOMEN'S CLUSTER (# 5)
 ORW- OHIO REFORMATORY FOR WOMEN, Marysville
 FPRC- Franklin Pre-Release Center, Columbus
 NEPRC-Northeast Pre-Release Center, Cleveland
CENTRAL OHIO CLUSTER (#6)
 CRC- CORRECTIONAL RECEPTION CENTER, Orient
 CI- Orient Correctional Institution, Orient
 CI- Pickaway Correctional Institution, Orient
 HCF- Hocking Correctional Facility, Nelsonville
 CMC- Corrections Medical Center, Columbus

LORAIN CORRECTIONAL INSTITUTION CLUSTER (#7)
 LorCI- LORAIN CORRECTIONAL INSTITUTION, Grafton
SOUTHERN OHIO CORR. FACILITY CLUSTER (# 8)
 SOCF- Southern Ohio Correctional Facility, Lucasville
SOUTHWEST CLUSTER (# 9)
 WCI- WARREN CORRECTIONAL INSTITUTION, Lebanon
 LeCI- Lebanon Correctional Institution, Lebanon
NORTHEAST CLUSTER (# 10)
 TCI- TRUMBULL CORRECTIONAL INSTITUTION, Leavittsburg
 YP- Youngstown Penitentiary Future Site
SOUTH CENTRAL CLUSTER (# 11)
 LoCI- LONDON CORRECTIONAL INSTITUTION, London
 MaCI- Madison Correctional Institution, London
 DCI- Dayton Correctional Institution, Dayton
 NEPRC-Montgomery Education & Pre-Release Center, Dayton
WEST CENTRAL CLUSTER (# 12)
 GCI- GRAFTON CORRECTIONAL INSTITUTION, Grafton
 MCI- Marion Correctional Institution, Marion
 NCCI- North Central Correctional Institution, Marion
OAKWOOD CORRECTIONAL FACILITY (# 13)
 Inpatient Care

Note* First institution listed in each cluster provides residential care.



VIOLENT JUVENILE OFFENDERS

1. When Should Kids Go to Jail? (David C. Anderson: 1998)
2. Profile of State Prisoners Under Age 18, 1985 - 97: (BJS: 2000)
3. Juvenile Offenders: Corrections Perspectives (1998)
4. Managing Youthful Violent Offenders (Curriculum Overview: NIC Academy)



WHEN SHOULD KIDS GO TO JAIL?

BY DAVID C. ANDERSON

While America's latest crime wave appears to be subsiding, the legitimate fears it aroused in urban America leave a powerful political legacy. Along with new police strategies and more prisons, legislators continue to call for harsher treatment of juvenile offenders long granted special status because of a historic belief in the diminished culpability of children and adolescents. Nearly all states now permit the "waiver" of youngsters charged with serious crimes to adult courts; in more than half, legislatures have specifically excluded those charged with certain crimes from juvenile court jurisdiction. In some cases the exclusions apply to children as young as 13. Legislation moving forward in the current Congress would expand adult federal court jurisdiction over offenders as young as 14 and give prosecutors, rather than judges, the power to transfer a juvenile case to adult court.

Therein lies an important debate. The nation approaches the one hundredth anniversary of the first juvenile court, established in Chicago by Progressive Era reformers in 1899. It formally recognized that childhood should exist in the eyes of the criminal law. Youth, Progressives believed, can partly excuse even violent misbehavior and always permits hope for rehabilitation. Is that historic commitment really obsolete?

The question remains germane even as juvenile crime trend lines turn down, because demographics suggest a possible new crime wave. Scholars like James Alan Fox of Northeastern University have predicted a "baby-boomerang" 20 percent increase in the juvenile population and juvenile crime by 2005. The Justice Department predicts a doubling of juvenile arrests for violent crime by 2010.

The Senate Judiciary Committee

report on the new juvenile crime bill relies heavily on such distinctions to justify treating more juvenile offenders as adults. Defenders of special treatment find themselves hampered by the history of the juvenile court, whose usefulness has fallen into real question as it has succumbed to an advanced identity crisis.

THE WHOLE CHILD

The Illinois Juvenile Court Act of 1899, which established the Chicago court, was based on the British idea of *parens patriae*. It granted the state the power to intervene on behalf of children when their natural parents failed to provide care or supervision. "Jane Addams and the dauntless women of Hull House," who established the new court, "strove to develop a safe haven, a space to protect, to rehabilitate and to heal children, a site of nurturance and guid-

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ance, understanding and compassion," writes William Ayers in a new book about the Chicago court. Judges serving in the court were to receive social-science and child development training so that they could craft sentences in the best interest of the "whole child."

The idea spread rapidly. Thirty-two states had set up juvenile courts or probation services by 1910; by 1925, they existed in all but two states. The belief that a court should take over the nurture and discipline of troubled youth informed both philosophy and procedures. Sanford J. Fox, writing in an issue of *The Future of Children* devoted to articles about the juvenile court, recalls Judge Ben B. Lindsey, who served in Denver from 1901 to 1927. "Children who came to the Denver court were 'his boys' and were seen by him as fundamentally good human beings whose going astray was largely attributable to their social and psychological environment," Fox writes. "According to Lindsey, the role of the juvenile court judge was to strengthen the child's belief in himself and make available to him all of the support and encouragement from outside the court that the judge could harness on his behalf."

Today's juvenile courts continue the practice of dealing with cases of child abuse and neglect, along with "status offenses"—truancy, running away from home, unmanageability—as well as juvenile delinquency. A 1994 survey counted 1.9 million juvenile court filings (an increase of 59 percent since 1984); about two-thirds were for juvenile delinquency.

In the 1960s, pressures from both the left and the right began to move treatment of juveniles away from the original vision. In the early juvenile courts, *parens patriae* meant substituting the benevolence of an individual judge for the adult court's adversarial process, fact-finding by juries of peers, guaranteed rights to counsel and cross examination, and protection against self-incrimination. It also meant indeterminate sentences—locking up youngsters in

treatment until the adults in charge agreed that they were rehabilitated, rather than for fixed periods of time. That was all well and good so long as juvenile court judges and treatment administrators were fair-minded, insightful, and caring. Where they weren't, juvenile offenders were routinely exposed to gross miscarriages of justice.

The Supreme Court recognized the problem in the 1967 case of 15-year-old Gerald Gault, who was charged with making an obscene phone call. A juvenile court judge ordered him to training school for six years; in adult court, the same case was worth a \$50 fine or two months in jail.

In its ruling, the court rejected the whole idea of *parens patriae* and concluded that traditional juvenile justice violated the 14th Amendment's guarantee of due process. "Juvenile court history has again demonstrated that unbridled discretion however benevolent motivated, is frequently a poor substitute for principle and procedure," the court wrote.



The *Gault* decision upheld a juvenile defendant's right to protection against self-incrimination, to notice and counsel, and to question witnesses. The result was to bring lawyers into juvenile court for both the prosecution and defense and to force greater objectivity on the proceedings. While this curbed some of the abuse, it also curbed the capacity of judges to deal with the offender's broader problems. "Gault's insistence on procedural safeguards in juvenile courts formalized the connection between a youth's crime and the subsequent sanctions, and ironically may have legitimated more punitive dispositions for young offenders," writes Barry Feld, Centennial Professor of Law at the University of Minnesota.

Through the 1970s and early 1980s, responding to pressure from a crime-weary public, legislatures began pushing for punishment rather than treatment, especially

youngsters who looked like "hard-core" juvenile career criminals. They required juvenile courts to impose determinate or mandatory minimum sentences based on the severity of the crime rather than the needs of the offender. Some juvenile courts adopted the more punitive approach without any prodding from a legislature.

Juveniles sentenced to confinement, meanwhile, all too often wound up in training schools or detention centers that mocked the historic commitment to therapy, education, and rehabilitation. Inquiries and lawsuits during the 1970s and 1980s found juvenile inmates regularly subjected to systematic humiliation, solitary confinement in squalid cells, beatings, and homosexual assaults.

All this occurred in the face of evidence that more constructive approaches could work. In the early 1970s, the Massachusetts Department of Youth Services, led by Jerome Miller, closed most of its training schools, reserving only a few institutions for the worst offenders. The rest went to residential community-based programs or home to their families while the state contracted with private agencies for appropriate social services. An evaluation 15 years after the training school closings found that half of 875 youngsters released from DYS programs were rearrested within three years; during that time, 24 percent wound up recommitted to DYS or incarcerated in adult prisons. That compared favorably with other states. In California, for example, 70 percent of youngsters released from reform schools were rearrested within only one year, and 60 percent were reincarcerated three years after release.

To this day, Massachusetts remains the leading example of how reform might help. A 1992 meta-analysis of 443 juvenile delinquency program evaluations lent support to the Miller approach. The author, Mark Lipsey, found that programs reduced the delinquency of their clients by 5 percent overall, from 50 percent to 45 percent, compared with control groups. But he found higher effects for programs that emphasized community-based rather than institutional treatments. Even so, use of secure training schools and detention centers continued to increase nationwide. The rate of confinement

for juveniles rose from 241 per 100,000 to 353 per 100,000 between 1975 and 1987, according to one national study. Another found that while the number of juveniles in the population declined by 11 percent between 1979 and 1989, the number locked up in institutions rose by 30 percent.

States also encouraged the shift of more juvenile cases to adult courts by either lowering the age of adult court jurisdiction for crimes or giving judges or prosecutors discretion to order waivers. The trend continued despite research demonstrating that such measures were having less than the desired effect. Adult courts are typically far more lenient with property offenders than are juvenile courts. And in states where judges supervised transfer of juvenile cases to adult courts, they tended to send up many more burglary and larceny cases than robberies, rapes, and murders. The property offenders therefore benefited from the "punishment gap."

getting off with a year or two of lightly supervised probation, the routine in adult court, when the juvenile judge might have ordered them into a youth prison.

ADD CRACK COCAINE AND STIR

The juvenile court's identity crisis was therefore well advanced by the mid-1980s, when crime rates spiked as crack dealers and gun dealers began aggressive distribution of their products to willing markers of young people. Juvenile delinquency cases not only increased; they involved more violence. Howard Snyder, a researcher for the National Center for Juvenile Justice, found that delinquency caseloads rose 23 percent between 1989 and 1993, nearly three times the percentage increase in the juvenile population. Juvenile offenses against the person (homicide, rape, robbery, assault) rose 52 percent, compared with a 15 percent increase for drug and property crimes. Weapons-law cases increased by 87 percent.

The statistics underlay a lurid popular perception. The news and entertainment media discovered the drug issue in general and crack in particular during the late 1980s, giving broad play to the teenage drug dealer turned outlaw millionaire, an image of adolescent fantasy come horribly true.

Is our historic commitment to rehabilitating juvenile delinquents really obsolete?

This only deepened questions about the credibility of juvenile courts. Young thugs were driving luxury cars, flaunting designer warm-ups and gold chains, arming themselves with assault weapons and paying their mothers' rent. Did they suffer from deprivation and a poor self-image? Were they really going to be helped by fatherly judges and caring social workers? Wouldn't they, not to mention the rest of us, be better served by a heavy dose of grown-up punishment?

The idea could drive even sober academics to feverish prose. James Q. Wilson, an influential political scientist at the University of California at Los Angeles, wrote of "innocent people being gunned down at random, without warning and almost without motive, by youngsters who afterwards show us the blank, unremorseful face of a seemingly feral, presocial being." William Bennett, with John DiJulio and John Walters, describes, "'superpredators'—radically impulsive, brutally remorseless youngsters . . . who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs, and create serious communal disorders. . . . [N]ot even mothers or grandmothers are sacred to them."

While such rhetoric rings powerful chimes with the public, should it drive public policy? However legitimate, fear and loathing inspired by excesses of some juvenile criminals at the height of the crack plague can inhibit careful thinking about a problem whose practical and moral complexities demand more than a turn to harsher punishments.

The majority of young people who break the law are not feral, presocial predators. Though juvenile violence increased at a shocking rate during the late 1980s, the more than 2,000 homicides reported each year remain a tiny percentage of all juvenile crime. Of the 1.4 million arrests referred to juvenile courts in 1992, 57 percent involved property offenses as the most serious charge, while 21 percent involved crimes against the person. There is real danger that legislative nets cast to capture the "superpredators" will sweep in thousands of lesser fry as well, at appalling social and financial cost.

Furthermore, whatever goals the move against special treatment might accomplish, greater public safety does not appear to be one of them. A Florida

study published in 1996 matched 2,738 juvenile delinquents transferred to adult courts with a control group that remained in the juvenile system. "By every measure of recidivism employed, reoffending was greater among transfers than among the matched controls," the researchers stated. A 1991 study compared juveniles tried in New York adult courts with New Jersey youngsters whose cases remained in juvenile court. It, too, found higher recidivism rates and prompter new arrests for the New York youngsters.

An ethically sensible and potentially effective policy on juvenile crime should include three elements: broader crime control, social work outside the criminal courts, and a reconception of juvenile justice:

Crime control. By now the accumulating evidence documents overwhelmingly that the burst of youth crime in the late 1980s was caused by the rapid spread of drugs and guns.

What to do about drugs remains uncertain. The crack epidemic appears to be expiring more as a result of natural causes than of smart policy, with saturated markets, aging addicts, and a skeptical new generation of street kids. But guns, in this context, are worth discussing.

Franklin Zimring of the Earl Warren Legal Institute, Alfred Blumstein of Carnegie Mellon University, and others have pointed out that guns account for the entire recent increase in youth homicide. In a striking article published in the *Valparaiso University Law Review* last spring, Zimring, a law professor at the University of California at Berkeley, noted that the number of reported killings committed with guns by youngsters between the ages of 10 and 17 increased sharply after 1984, from about 500 to more than 1,000. The number of non-gun homicides remained stable through those years, at slightly fewer than 500.

"If there were a large group of 'new, more violent juvenile offenders,' that was the proximate cause of explosive increases in homicide," Zimring writes, "one would expect the increase in killing to be spread broadly across different weapon categories." Instead, it appears that "a change in hardware rather than a change in software was the principal cause of higher youth homicide." In that light, the most effective response looks like aggres-

R
Recent studies suggest preventative social work should remain a part of juvenile crime strategy.

sive gun control focused on juveniles, backed up by the sort of innovative policing now credited with reducing juvenile gun use and homicides in Kansas City, Boston, and New York.

Social work. Beyond programs designed to deal with youngsters after arrest, students of juvenile crime remain fascinated with the idea of intervening in the lives of children and teenagers "at risk" of delinquency in hopes of averting criminal behavior before it starts. Research documents some success. The most famous study was of the Perry Preschool, in Ypsilanti, Michigan, which provided two years of enriched schooling and weekly home visits to small children from poor minority families. By the time the kids had turned 27, half as many had been arrested as a control group that did not benefit from the enriched classes.

Other programs replicate the effect. A Syracuse University effort enrolled 108 low-income families, mostly headed by young single mothers, for five years of day care for their children along with parenting training beginning during pregnancy. Ten years after the families completed the program, only 6 percent of the children had been referred to probation, compared with 22 percent of a matched control group. Another New York study found that providing nurses for regular visits to young mothers at home with their infants greatly reduced instances of child abuse and neglect. A Houston program that enrolled families with small children from Mexican-American barrios found that a combination of home visits and day care reduced the children's aggressive behavior.

In 1996, a team of researchers from RAND led by Peter Greenwood reviewed seven such studies and calculated that day care/home-visit programs could reduce by 24 percent the number of crimes the client children could be expected to commit. The group also reviewed programs that give parents special training to deal with children who have begun to behave disruptively in school and at home; the training was found to reduce the youngsters' eventual juvenile criminality by 29 percent.

The RAND group also examined the Ford Foundation's Quantum Opportunity Program, which will provide an "at-risk" youngster with cash and scholarship incentives averaging \$3,130 per year to stay in high school and graduate. That simple approach might reduce the criminality of its clients by an astonishing 56 percent.

The RAND researchers attempted to estimate

the cost-effectiveness of such approaches in comparison with increased incarceration resulting from California's new Three Strikes Law. They found that if fully applied across the state, two of the social work approaches, parent training and graduation incentives, were more cost-effective; taken together, they could reduce crime by 22 percent at a cost of about \$900 million per year. Greenwood and others had previously calculated that the Three Strikes Law might achieve a similarly defined crime reduction of 21 percent at a cost of \$5.5 billion per year.

These results should be regarded with caution. The RAND study is a self-consciously artificial exercise designed to provoke pointed comparison rather than nail down a policy choice. It is based on necessarily speculative assumptions about how the effectiveness of well-resourced and well-managed pilot programs will "decay" as they are massively expanded. It also attempts to estimate the number of crimes children might commit over the course of their lives if they don't benefit from the programs, an imponderable calculation. Yet however speculative, the results remain tantalizing; they certainly warrant close attention to preventative social work as part of a juvenile crime strategy.

Juvenile justice. Even as get-tough rhetoric encourages politicians to press for diminishing jurisdiction of the juvenile court or abolishing it entirely, other issues encourage some thoughtful academics in the same direction. Barry Feld, in a forthcoming paper, reviews legal decisions that imposed adult due process on juvenile courts, new laws that force more juvenile cases into adult courts, and the shift in attitudes away from treatment toward punishment.

Legislative, judicial and administrative changes within the past few decades have transformed the juvenile court from a nominally rehabilitative social welfare agency into a scaled down, second-class criminal court for young people that provides neither therapy nor justice. . . . No compelling reasons remain to maintain a punitive juvenile court separate from an adult criminal court.

He calls for integration of juvenile and adult courts while "formally recogniz[ing] youthfulness as a mitigating factor in sentencing." Pointing out that the law has long recognized diminished responsibility of young people who break the law,

he proposes a fractional "youth discount." "A 14-year-old offender might receive, for example, 25 percent of the adult penalty, a 16-year-old defendant, 50 percent, and an 18-year-old adult the full penalty, as is presently the case."

The appealing simplicity of such an idea, however, may be deceptive. Feld himself acknowledges that implementing it sensibly would require many states to get rid of mandatory minimum sentences to which legislators point with pride, and to increase judges' discretion that legislators have fought for years to curb. For youth discounts to work, Feld writes:

the adult sentencing scheme itself must be defensible in terms of equality, equity, desert, and proportionality. A sentencing scheme which simply attempts to apply idiosyncratically "youth discounts" to the flawed indeterminate sentencing structures . . . runs the risk simply of reproducing all of the existing inequalities and inconsistencies.

Other scholars continue to believe in the need for a separate court that recognizes the possibility of rehabilitation for youthful offenders. They have been encouraged by

recent research suggesting, contrary to decades of pessimistic findings, that rehabilitative programs can make a difference to the lives of delinquent youth.

They point to a 1990 meta-analysis that weighed 80 evaluations of rehabilitation programs, distinguishing between those that took care to match services with the needs and learning styles of the offenders and those that did not. The "appropriate" programs were found to reduce recidivism by as much as 50 percent. And Lipsey's 1992 meta-analysis, which found positive effects for community-based, rather than institutional, programs, also affirmed the value of those that took behavioral, skill-oriented, or multi-modal approaches.

Such studies provide practical hope to shore up the moral case: so long as rehabilitative programs do not expose the public to more crime than prison does, they are worth pursuing. They create positive experiences for youngsters coming out of chaotic social environments (at lower financial cost than prison), and they send a broad message about a society's willingness to help young people in trouble. It's a valid argument, and it looks all the better with reason to believe continued experimentation with such programs might still produce real cuts in recidivism.

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WHAT KIND OF COURT?

But if there should be a juvenile court, how should it look? To some the best answer is: about the way it looks now, but with more resources, better people, and uniform standards nationwide. "Although there have been significant changes in the mission and function of the juvenile court since 1899, [the] basic differences between children and adults remain and continue to support the need for a specialized court," concludes a group assembled by the Center for the Future of Children.

The group made a dozen recommendations that included elevation of all juvenile courts to the highest level of general jurisdiction, improved training for juvenile court judges, a requirement that judges serve at least two to three years, and greater use of alternative dispute resolution. The group also called for guaranteed legal representation, transfer of juveniles to adult court only on the basis of a judicial hearing, and a greater variety of sanctions.

Mark Moore, a professor of criminal justice policy and management at Harvard's Kennedy School of Government, offers a more innovative and sophisticated idea. He recognizes the need for the transfer of some juvenile cases to adult courts if they show "unusual maturity, acted alone, or persisted in committing crimes."

For the rest, he proposes a court whose goal would be "to help organize the increasingly complex task of child rearing by intervening in situations where breakdowns in child-rearing capacities have occurred." It would do this in the manner of a bankruptcy court faced with a failing business:

It can decide to "liquidate" the existing arrangements and transfer the child to the care and custody of someone other than the current caretakers. Or, the court can seek to "restructure" the enterprise, keeping the family together but insisting that caretakers live up to their duties and overseeing the provision of publicly available services that would allow them to do so.

What would this mean for the youngster picked up for a first-offense burglary who turns out to have dropped out of school, is running with a street gang, and has developed a taste for drugs? Under the current system, transfer of such a case to adult court would result in a mild penalty—a year or so of sporadic supervision by an overworked

probation officer. The current juvenile court might supplement that with an order to attend Narcotics Anonymous meetings and go back to school, which might or might not happen.

Moore's court would call in members of the offender's immediate family or others prepared to provide supervision and order them to make sure the youngster goes to school and a drug treatment program, stays away from his gang friends, and otherwise stays out of trouble. A social worker or probation officer would serve as a "special master" responsible for making sure the judge's orders are followed. Should the caretakers fail to meet their obligation, the judge might sanction them, remove the child to a residential program, or both. With further offenses, the delinquent might finally be ordered to juvenile jail or prison.

Moore points out that such a court could deal more logically than current juvenile courts with the status offenses like truancy and running away from home that may be precursors to criminal behavior. It would also keep jurisdiction over child abuse and neglect cases, as well it should, given research documenting the propensity of their victims to act out violently later on.

All this would, of course, require more resources for juvenile justice and a sense of unity on the value of such an approach. Both are problematic in the ongoing political climate. But Moore's basic goal is hard to gainsay: he would hold "children, and those who care for children, accountable for their actions in their joint efforts to move children from the status of defenseless barbarians to resourceful citizens."

Is that really possible without threatening public safety? "One can err by allowing a child sufficient freedom and engagement with the community to put himself or herself and others at risk," Moore says. But it's also an error to keep a delinquent so locked up and isolated "that he or she never has the opportunity to learn how to become integrated into the community." The existing setup, he says, penalizes public officials "for the first kind of error and tolerate[s] the second kind of error. Yet it is the second kind of error that is arguably the most expensive."

That aptly summarizes the whole discussion. It is still possible to imagine ways juvenile delinquents might be sanctioned and supervised effectively as juveniles, not adults, without removing them from the community. The drift away from historical juvenile justice remains premature.



CAMPAIGN FOR AN EFFECTIVE CRIME POLICY

Briefing Sheet

JUVENILE OFFENDERS: CORRECTIONS PERSPECTIVES March 1998

Pending federal legislative proposals would require that more juveniles be tried and sentenced as adults, and housed in adult facilities. Little emphasis is placed on effective rehabilitation, treatment, prevention and early intervention strategies.

What do correctional administrators think about these practices and their relative merits?

I. PERSPECTIVES ON SEPARATION OF JUVENILES AND ADULTS IN CUSTODY

American Jail Association Resolution: Juveniles in Jails

"The housing of juveniles in the nation's jails has been a problem that jail officials have tried to deal with across the years with very little success....The American Jail Association, being the primary voice for the jails of this nation, presents the following:

- o Whereas, Juveniles charged with certain major crimes in most states may be legally housed in jails....Juveniles, if housed with adult criminals, may fall victim to homosexual rape and other violence....Juveniles housed in adult jails may use the experience to escalate their criminal standing with peers....The care and legal requirements of housing juveniles...require specially trained staff and specially designed programming not readily available in an adult facility...
- o Therefore be it resolved that: The American Jail Association be opposed in concept to housing juveniles in any jail unless that facility is specifically designed for juvenile detention and staffed with specially trained personnel."
(As revised in May 1993. Full text attached.)

American Correctional Association Policy on Juvenile Corrections

"Children and youth have distinct personal and developmental needs and must be kept separate and apart from adult offenders.

- o The correctional functions of the juvenile justice system (prevention, diversion, detention, probation, residential and aftercare) must provide specialized care and rehabilitative programs for young offenders in our society consistent with protection of the public. These functions of the juvenile justice system, although sharing, in general, the same overall purpose of adult corrections, have significantly different processes, procedures and objectives which require specialized services and programs." (ACA policy as reviewed and amended in January 1993. Text attached.)

II. CORRECTIONAL PROFESSIONALS SAY CRIME PREVENTION DESERVES FAR MORE ATTENTION

James A. Gondles, Jr., Executive Director, American Correctional Association

"We will never, in my view, solve our problems on the back end with punishments. We will solve our problems only when we are united with a higher purpose of doing better on the front end with day care, preschool, schools, churches, other institutions and yes, families. Kids are our future and we need to invest in them. Treating kids as adults solves very little; it's another quick-fix solution to a complex problem that took years to reach and will take years to resolve."*

Frank Hall, former Director, Oregon Department of Corrections

"If we really want to have an effect on crime, we will need to keep all of our options open. Investing in prevention programs and services for juveniles and young adults...is not being soft on crime. It is understanding that to have safe communities, our citizens must be educated, healthy and employed, not simply afraid of going to prison or jail."**

Joseph D. Lehman, former Commissioner of the Pennsylvania Department of Corrections

"If we want to do something about crime, we need to start focusing on our children. All you need to do is measure how we are doing in relationships with each other and how we treat each other today and you can see that we should be concerned. Look at the divorce rate, look at the number of teenage pregnancies, look at the increasing number of single-parent homes, and most tragically, look at the amount of child abuse and neglect in this country...This is where we are losing the battle in terms of our war against crime. We need to look at how we put our children at risk of becoming involved in serious adolescent behavior and criminal lifestyles."

Noting that the state planned to add 10,000 new prison cells to ease its overcrowded system over the next two years, but would again be overcrowded by the year 2000 if the incarceration rate remained unchanged, Lehman remarked that "The money spent for prison construction will not be available to children's services, to education and to dealing with the infrastructure of communities, all of which have a much more substantial potential of affecting crime than simply waiting and responding to it after the fact."***

* "Kids are Kids, Not Adults," Editorial, Corrections Today, June 1997.

** "Prison construction is too simplistic a solution for crime problem," Salem Journal, November 9, 1994.

*** "Official: Crime Up, Family Values Down," The Tribune, Scranton, Pennsylvania, August 23, 1994.

Wayne Scott, Executive Director, Texas Department of Criminal Justice. As head of the nation's second-largest penal system, he oversees more than 140,420 convicted felons and a \$1 billion-plus annual budget.

Mr. Scott said recently that his 25-year experience with the Texas Department of Criminal Justice (TDCJ) has shown him that most of those who end up in prison had "established criminal records by the time they were 10 or 11 years old, and from that point forward it's just a natural progression through the Texas Youth Commission and the probation system and to TDCJ. And so you have to catch them before they hit that point and try to resurrect their lives....If you want to address the (crime) problem in the long term, it gets around to looking at at-risk children and identifying those individuals very early on and trying to influence them in a positive direction....Those are the formative years."

*Speaking to the need for prisons, he added "You've got to balance the two. You've got to protect the public safety, no question about that. And you've got to have enough prison cells to keep the bad guys locked up. But if you ever want to stop the cycle of crime, you've got to also direct money to the front end of the system, before the cycle can begin.... I think we have to work with the communities, the churches, to enlist the aid of people who come into contact with these children."**

Tony Godinez, Warden, Stateville Correctional Center, Illinois State Penitentiary, and Volunteer with Mothers Against Gangs, Mexican Athletic Youth Association, and Big Brothers/Big Sisters

*"I'll tell you this. Prisons are not the answer. Incarceration should be the final, final resort. What's the answer? ... I was one of those kids. Even in the bad neighborhood I grew up in on Taylor Street, all the kids knew all the adults. Everybody cared for everybody.... Gangs are nothing more than a replacement for the family structure. I mean the extended family. We should not be shocked at how young men and women gravitate to a subcultural family if they don't get recognition and emotional support at home and in the community. All the images, all the impressions, all the lessons they get - or don't get - in those early years, how am I going to overturn all that when they get here?"***

1994 U.S. Senate Survey of 157 prison wardens in eight states

Asked how they would spend an additional \$10 million in resources, the wardens collectively indicated they would allocate 43% to law enforcement, while spending 57% on prevention programs. Seventy-one percent said improving the educational quality of public schools would make a major difference in fighting crime, 66% said that increasing the number of job opportunities is important, and 62% endorsed developing programs to help parents become better mothers and fathers.

* "Penal Chief Urges Early Rooting Out of Criminals," The Houston Chronicle, December 28, 1997.

** "Between Bars," Chicago Tribune Magazine, January 1995.

Many of the wardens participating in the survey noted their own perspectives on crime prevention. A sample of these comments include the following:

- o "Address issues such as child care, after-school care, financial support for mentor programs, and specific education, counseling and prevention programs for youths 12 years and under."
- o "Improve accessibility for child development programs, and provide supervised child care facilities for shift workers, low-wage employees and single parents."
- o "There needs to be a greater commitment to work with children and families in our communities. Unless we as a society start to deal with the problems early in life, the need for prisons will grow."
- o "The average of \$24,000 spent each year to house and maintain an offender in an institutional setting would be more wisely spent putting a troubled kid in the best schools and funding a complete education so they can understand the society in which they live and are able to cope and compete in the work force."
- o "Put the best teachers and equipment into the schools in the inner city where the children need help the most. Put the best recreational programs in these areas. Concentrate enough law enforcement resources there to make the streets safe to walk on. Build neighborhood pride. Provide jobs."

Several state and national corrections officials were invited to comment on the survey results.* They include the following:

Perry Johnson, former Director of Michigan Department of Corrections, former President of the American Correctional Association

"As a former warden and director of corrections I recognized long ago that prisons come into play far too late and leave the sources of the crime problem untouched....Neglect and abuse by incompetent or absent parents, poor schooling, addictive personalities and a pervasive culture of violence...must be dealt with to reduce the level of crime in our society. No prison system can do that."

Chase Riveland, former Secretary, Department of Corrections, State of Washington

"A review of the findings of your survey...leads me to believe that those responding are more rational and balanced in their approach to crime, violence and incarceration than are many of our elected officials at the state and national level....The proposed stripping of preventive measures from the crime bill is at best "drive-by legislation," arguably continuing to promote the idea that increased incarceration can "fix" problems of crime and violence. Few who work daily in criminal justice believe that."

* "In New Survey, Wardens Call for Smarter Sentencing, Alternatives to Incarceration and Prevention Programs," Report by Senator Paul Simon, U.S. Senate, December 21, 1994.

MANAGING YOUTHFUL VIOLENT OFFENDERS

AN OVERVIEW AND EXECUTIVE SUMMARY

Introduction

Aggression and violence among adolescents has been increasing within our communities since the 1970's (FBI Annual Uniform Crime Reports). The incidence and types of crimes committed by the under 24 year old population, especially those crimes perpetrated against people (e.g. murder, rape, aggravated assault) have presented considerable challenges for the juvenile and adult legal system throughout the nation.

In turn, the juvenile and adult criminal justice systems have been challenged to deal with these youthful offenders within their existing institutions and program structures. Yet, advances in technology coupled with innovative and creative interventions, have provided a vast resource for practitioners who must deal with these youthful violent offenders. Researchers have collected data on program efficacy and now have a data bank which allows more deliberate decisions to be taken by policy makers with regard to programming for this population. More recently, as social policy has taken a more conservative approach in dealing with the youthful violent offender, requiring their incarceration within the adult prison system rather than juvenile programs and services, there is a need to train individuals at every level within the justice systems to manage this population.

Project History and Background

The National Institute of Corrections Academy is charged, in part, to design training and technical assistance by developing new skills and improving previously learned skills for practitioners within the criminal and juvenile justice systems. Toward that end, as the social policy to incarcerate youthful offenders (under age 24) in adult institutions became more prevalent, the need to provide information and training to those who work in these systems with this "new" population became more apparent.

In order to meet this need, the NIC embarked on an ambitious strategic plan along two parallel tracks: First to identify *Effective Interventions with High Risk Offenders* (i.e. What Works!). Second, to develop a curriculum that would: *assist agency/institutional staff to design and develop effective systems to manage violent young offenders in a constitutionally defensible, humane, adult correctional environment*. To implement the latter, the Academy invited experts from around the country to design and develop a curriculum to manage youthful violent offenders.

The group adopted several principles to effect the task which included the decision that the curriculum should be:

- skill based, practitioner oriented, and relevant.
- flexible, allowing the receiving agency opportunity to design its own technical assistance package based on its own need.

- portable, that is it could be delivered at any location, and not restricted to Longmont, at the NIC Training Academy.
- fluid, easily updated, as new information was acquired.

The Planning Committee met for two days during July 1995, at which time Five Topical Areas were identified with specific modules within each. Curriculum program specialists were also identified who provided NIC with the technical expertise to develop the package, and time lines for completion were set. By project end, twenty five unique sessions within five modules were designed and submitted to NIC for implementation.

Curriculum Description

The curriculum is designed so that each module is an overview of subject areas considered important in dealing with youthful violent offenders in adult institutions. If additional, intensive training in one or more of these areas is needed at the conclusion of this training, additional technical assistance will be considered upon request. The curriculum can be tailored to specific agency needs and can be provided from two to five days, (up to a maximum of 36 hours). Within that time frame, only the first half-day is required of all participants. During the first four hours of the training session, a general overview which includes a module on adolescent development, designed to orient the participants to a better understanding of managing the violent youthful offender in an adult corrections system, is provided. The purpose of this introduction is to set the tone of the training seminar and to identify the learning objectives for the participants. After this initial session, the remainder of the seminar is specifically designed to meet the expressed needs of the requesting agency, and is designed in consultation with the NIC Program Specialist and consultant trainers. Agencies will choose from among the following five content areas:

OVERVIEW

The overview is a four hour module that orients participants to different ways of thinking and viewing their world. It also includes a brief history and description of the project. It concludes with an introduction and summary of adolescent development (see next page for description.)

Target Audience: Correctional Staff, Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers; Trainers)

Duration: Two Hours

Overview of Adolescent Development – This session discusses adolescence as a growth process which results in significant changes in physical, cognitive, emotional and social developmental areas. Normal stages of adolescent development will be identified as well as the accomplishment of tasks which is necessary for youth to move towards adulthood. Participants will

learn about blocks to such development often experienced by youthful offenders--clusters of developmental troubles that have resulted finally in their incarceration in adult institutions.

Target Audience: Correctional Staff; Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers; Trainers)

Duration: Two Hours

1. PROGRAM DESIGN, DEVELOPMENT AND IMPLEMENTATION

Gang Involvement -- This session is designed to equip correctional staff and community officials with the skills necessary to identify gang involved youth within the correctional setting. Participants will comprehend and understand the dynamics that support or minimize gang involvement among young violent offenders. Participants will investigate strategies and programs that address correctional youth gang issues; and explore a planning process to address institutional security needs and appraise the effectiveness of their efforts.

Target Audience: Correctional Administrators; Supervisors; Security and Program Staff

Duration: Four Hours

Taking Care—Parenting Curriculum -- This module reviews the importance of family and parenting education for youthful offenders. Participants will discuss the implementation of the three versions of the Taking Care curriculum, designed specifically for incarcerated male youthful offenders and female youthful offenders. The third version, *Taking Care—Winning Families* is a combination of parenting training and Aggression Replacement Training. Taking Care is a scripted ten week program which focuses on teaching basic parenting skills, presenting information on child care and child development, as well as fostering universal values of parenting and family life. A significant amount of time is devoted to the effects of abuse and alcohol and other drugs on families, as well as the attitudes, beliefs, and behaviors involved in family violence. Participants will be exposed to lesson plans from all three training manuals as well as have an opportunity to "teach" sections of the curriculum.

Target Audience: Line Staff (Teachers, Counselors, Correctional Officers, Trainers)

Duration: Four Hours

Educational Programming -- This module provides a description of the essential components of and strategies for effective correctional educational programming including academic, vocational, and interpersonal skills development. Participants apply educational planning principles to case studies. Participants also analyze their own institution's level of service delivery

and assess the appropriateness of its academic, vocational, and interpersonal skills education for youthful offenders.

Target Audience: Correctional administrators responsible for educational programs.
Duration: Four Hours

Recreation Services – This module explores the domain of constructive use of leisure time, and the array of recreational services and activities available for the youthful violent offender incarcerated in adult correctional systems. Factors associated with the misuses and abuses of free time which result in violent behavior as well as problems inmates face when dealing with leisure time will also be discussed. Participants will learn about the *LeisureScope* assessment instrument and be provided with tools to assess, plan and program for this population.

Target Audience: Correctional Staff, Recreation Coordinators, Administrators, & Supervisors
Duration: Four Hours

Cultural Awareness – This module examines the effects of cultural identity upon individual perceptions and actions especially in relation to incarceration. *Culture* may be described as the "preferred ways of communicating, behaving, and thinking of a particular group of people". As such, culture defines who we are, and what is approved as "normal" behavior in given situations. Four, sometimes conflicting, circles of culture (mainstream, indigenous, minority, and delinquency) are described in the context of adolescent developmental needs for independence and identity. Participants will apply learned concepts to case studies of minority youth in a correctional setting, and analyze their own institution's program strengths and weaknesses with regard to cultural sensitivity to adolescent issues.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers; Trainers)
Duration: Three Hours

Community Re-Integration & Aftercare – This module describes a phased community re-integration process culminating in an intensive aftercare program (IAP) model that offers guidance on how to transition and reintegrate identified high risk youthful offenders from secure confinement gradually back into the community. Basic fundamental principles which include youth preparation to progressively increase responsibility and freedom in the community; facilitating youth-community interaction; developing new resources and support; monitoring and testing are some of the issues discussed. Participants will apply the IAP theory and principles in developing an aftercare plan which will include organizational factors and the external environment; case management; and management of information and program evaluation.

Target Audience: Program Developers, Program Managers, Operations staff
Duration: Four Hours

Crises Prevention and Intervention – This module addresses strategies for safe and humane decision making in aggressive situations with adolescents. A number of critical factors are emphasized to determine appropriate interventions such as: staff awareness and early intervention into potential crises; accurate assessment of the immediate danger inherent in a situation; identification of the type of aggression evidenced (i.e. deliberate vs. impulsive); and effects of staff anger when confronting aggressive adolescent behavior. Participants will apply their knowledge and concepts to hypothetical situations which involve youthful violent offenders in adult correctional settings.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Trainers)
Duration: Four Hours

Program Examples (Long Version) – Key elements of three programs specially designed to serve youthful offenders are described in this module. Participants will analyze how these programs evaluate offenders, provide interventions for them, coordinate services, and assist with their transition back to the youths' communities. Participants will then apply this knowledge and identify those elements that can be incorporated into their own programs and services.

Target Audience: Correctional Staff -- Administrators, Managers, Line staff (Teachers, Counselors, Correctional Officers, Community Corrections Personnel, Trainers)
Duration: Four Hours

Program Examples (Short Version) – This module is similar to the long version, except less emphasis will be placed on small group interaction and process. Still, key elements of three programs specially designed to serve youthful offenders are described in this module. Participants will analyze how these programs evaluate offenders, provide interventions for them, coordinate services, and assists with their transition back to the youths' communities.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Community Corrections Personnel, Trainers)
Duration: Two Hours

2. ADOLESCENT DEVELOPMENT

In this area, participants will explore the nature of adolescence. Through large group discussions, small group interactions, and brief lectures, participants will learn about the chronological, physical, social, emotional and cognitive development of young people in early, middle, and late adolescent stages. Specific emphasis will be devoted to the issues of the aggressive and violent adolescent behavior and the violent offender population both in the juvenile and adult criminal justice systems.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Community Corrections Personnel, Trainers)

Duration: Four Hours

3. ORGANIZATIONAL ADMINISTRATION AND MANAGEMENT

Legal Issues -- In this module participants will explore the juvenile court system, and the philosophical premise upon which it is based. After identifying the changing climate to sanction youthful violent offenders, participants will identify organizational alternatives to respond to this population in adult correctional systems.

Target Audience: Correctional Staff, Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Trainers)

Duration: Two Hours

Staff Selection, Training, and Supervision -- This module provides participants with basic principles and criteria to recruit, assess, and select staff who can meet the unique needs of youthful violent offenders, incarcerated in adult institutions. Elements of a training curriculum will be presented which can be used as a core model for staff development. Essential characteristics of supervisors who must monitor staff who work with youthful offenders will be defined. Participants will have the opportunity to apply and process this knowledge in hypothetical practical situations.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Trainers)

Duration: Two Hours

Classification and Needs Assessment -- This module deals with those issues important to assess youthful violent offenders, both risk level and needs (skill deficits) for placement within the

adult correctional system. Theoretical bases to identify criminogenic factors and needs are explored, along with examples of instruments used for assessment.

Target Audience: Correctional Administrators, Intake workers, Counselors, Program Developers
Duration: Four Hours

Housing and Physical Plant – Housing youthful offenders in adult facilities can present special challenges for security such as: barrier height/penetrability; vandalism and its repair; graffiti; quantity and deployment of staff; out of cell time; dormitory vs. cell living area issues; system's assessment; programs and recreation; visiting; safety of juveniles, among others. Participants will be asked to examine the security of their institutions from a juvenile's view point. Attention to developing and implementing a physical plant safety plan will be identified.

Target Audience: Correctional Administrators, Managers, Architects, and Planners
Duration: Three Hours

Policies and Procedures – This "roll up your sleeves" module will require participants to review their institutions' policies and procedures and assess the applicability of each to the youthful offender population. Participants will learn techniques to identify, design, and develop policies and procedures through didactic and small group experiences. Participants will develop an implementation action plan that details steps to develop policies and procedures, identifies approval processes, staff training, and implementation.

Target Audience: Correctional Policy Makers, Administrators, Managers
Duration: Four Hours

Gang Issues – This module will assist agencies with practical issues that arise when dealing with incarcerated juvenile gang members. The module is designed to teach participants how to assess what to do within the institution, rather than teaching intervention techniques, whether they be for gang suppression or gang prevention (See ***Gang Involvement*** in Section 1). Specific topics such as the relationship between prison gangs and street gangs and staff selection to meet the needs of gang members will be presented. Participants will have an opportunity to assess their daily institutional operations and plan those interventions appropriate for their specific situation.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselor, Correctional Officers; Trainers)
Duration: One Hour

4. SPECIAL NEEDS POPULATIONS

Special Education Students – Participants will learn specific characteristics of three primary disabilities that affect the academic and social behavior of youthful violent offenders. Learning Disabilities, Mental Retardation, and Serious Emotional Disturbance may account for up to 40% of the youthful violent offender population in corrections. Participants will learn six components of effective correctional educational programming, and have an opportunity to apply this knowledge to case studies to analyze their own institution's program strengths and weaknesses.

Target Audience: Correctional Education Managers, Supervisors and Special Education Teachers

Duration: Four Hours

Sex Offenders – Participants will gain an understanding of the nature and needs of the youthful violent sex offender within the adult corrections environment. With that background participants will identify components of an effective sex offender treatment program and how to design and implement a cognitive behavioral program. Specific techniques introduced in this seminar include: analyzing criminal thinking cycles; using reflection logs, teaching anger management and acquiring pro-social skills; as well as exploring the relapse prevention and victim awareness programming.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Community Corrections Personnel, Trainers)

Duration: Four Hours

Substance Abusers – Participants will learn and appreciate the pervasive impact of substance abuse on the growth, development, and behavior of adolescents. This module provides a framework to combine corrections, classification, and treatment planning with appropriate substance abuse treatment interventions directed at reducing adolescent violence and other criminal behavior. Participants will gain an appreciation for the impact substance abuse has on this population as well as the available opportunities to prevent and treat youthful offenders to produce significant positive outcomes such as: reducing crime and violence; improving public protection; and reducing costs to taxpayers.

Target Audience: Correctional Administrators, Institution and Contractor Treatment Program Providers, Program Developers

Duration: Four Hours

Neglected, Sexually & Physically Abused and Victimized Offenders -- This module addresses the concerns of victims rather than predators. The behavioral and psychological effects of abuse are discussed as well as the abused and neglected youthful offender's potential reaction to incarceration. Techniques and strategies to deal with those who have been sexually molested, abused, or maltreated will be explored. Program strategies and interventions will be discussed.

Target Audience: Correctional Counselors, Clinicians, Program Developers, Line Staff (Teachers, Counselors, Correctional Officers, Community Corrections Personnel, Trainers)

Duration: Four Hours

Suicide Prevention -- This module provides essential information to identify and manage youthful offenders who are at risk of suicide within adult correctional facilities. There are five components which include: An introduction that provides basic facts regarding suicide as a national problem, and identifying key legal concepts; myths regarding suicide and suicide prevention; a conceptual model to understand suicide; a review of risk factors necessary to identify persons at risk of suicide; and key intervention techniques.

Target Audience: Correctional Program Administrators, Security Staff, Medical Staff, Mental Health Professionals

Duration: Four Hours

5. **HEALTH ISSUES**

Nutrition -- Adolescents in this society have poor eating habits, especially those who are left on their own. Fast food has become the norm (but far from healthy). Those adolescents confined to adult institutions join a system that plans meals to meet the needs of the working inmate in mind, generally high calorie, high energy foods. Participants will learn about the specific nutritional needs of the young violent offender: those who are still developing mentally and physically; who usually have light work assignments (than their adult counterparts); and may be more sedentary since they are required to attend school and may be confined to their cells for longer periods of time.

Target Audience: Correctional Administrators, Dieticians, Cooks

Duration: Two Hours

Mental Health -- This module explores the etiology of violence among youth today. Special emphasis is given to the sociological and environmental influences that impact those young offenders who have committed violent crimes. Many of these offenders have had serious psychological problems prior to their involvement with the criminal justice system. An overview

of symptoms of the major psychiatric disorders will be presented, and treatment strategies discussed. Model programs will be described and participants will be encouraged to share their own experiences with each other.

Target Audience: Correctional Staff -- Administrators, Managers, Line Staff (Teachers, Counselors, Correctional Officers, Trainers)

Duration: Three Hours

Communicable Diseases -- Participants will learn about the various infectious diseases prone to correctional institutions, as well as methods to protect themselves from contracting and/or spreading these diseases. Through lecture, small group activity, and discussion, participants will review their own policies concerning infectious diseases and infection control in order to assess their own system's vulnerability. Suggested changes to ensure a healthy environment will be presented.

Target Audience: Correctional Staff, Security Officers, Medical Staff

Duration: Four Hours

Next Steps

To request this training, the agency chief executive officer must submit a letter on official stationery which identifies the specific problem for which assistance is sought; suggests a plan or specific action to address the problem, explains why assistance must be obtained at the federal level, and states the anticipated number of days that assistance would be needed. In addition, the letter should reference this program by title, "Managing Youthful Violent Offenders in Adult Institutions," and must include the name and telephone number of an agency contact person who will assist NIC staff with details and logistics of the training. Send the request letter to:

Ms. Nancy Shomaker, Technical Assistance Manager
NIC Academy
1960 Industrial Circle, Suite A
Longmont, Colorado 80501
1-800- 995-6429, ext. 120

Resources

In order to help you develop your training seminar, you may wish to review/research several resources. Please note that this program is designed to provide jurisdictions and their staff with a comprehensive, but *basic* overview of those content areas important to programs and services for the juvenile violent offender placed in adult correctional systems. After completing this training the

agency may find that additional, in depth training in one or more of the subject areas presented is needed. If that is the case the agency may apply for Technical Assistance again requesting that specific modules related to the Youthful Violent Offender be presented in a more intensive training. If courses other than those described in this overview are needed, NIC offers a multitude of training seminars/curriculum, which are made available in a number of ways. The NIC Service Plan lists the training seminars and initiatives for the current fiscal year, along with application requirements. The NIC Information Center has a listing of all past training seminars. The participant manuals and lesson plans for those programs can be accessed by calling the Information Center directly at 800-877-1461. Technical Assistance can also be obtained by an agency to request replication of a NIC training seminar as well as development of new training, by following the procedures listed above.

Some examples of more in depth, skill building NIC seminars include:

- **EFFECTIVE INTERVENTIONS WITH HIGH-RISK OFFENDERS** (with Technical Assistance) - is a 36 hour seminar on designing, implementing, and evaluating interventions for high-risk offenders. The seminar focuses on developing, implementing, and operating correctional programs specific to an agency's needs that use appropriate interventions for high-risk offenders, promote public safety, and reduce recidivism. Key topics include: assessment of offenders' needs and risk of recidivism; principles of effective program design; implementation strategies; and program monitoring and evaluation.
- **COGNITIVE APPROACHES TO CHANGING OFFENDER BEHAVIOR** - is a 36 hour seminar which covers cognitive interventions shown to have a positive effect on changing offender behavior. Topics include: cognitive self change processes; interpersonal communications; social skills training; problem solving; and program implementation.
- **A SYSTEMS APPROACH TO MANAGING SUBSTANCE ABUSING OFFENDERS** - is a 36 hour seminar which provides a system perspective and approach to working with substance abusing offenders. Strategies to provide continuity of care and develop linkages between critical stages of the correctional system are examined. Participant teams representing community corrections, prisons, and jails evaluate the effectiveness of their current substance abuse programs. The teams identify any deficiencies in their jurisdiction's system and develop a model program action plan and team implementation plan.
- **MANAGING CHANGE** - This 36 hour seminar presents a framework and strategies to develop, implement, manage, and evaluate the organizational change process. Key topics include: steps in the change process; functional areas to monitor or manage during the change process; impact of change on people; how organizational structures are changing; and how leadership demands will differ in future years. Participant teams will develop action plans and strategies to implement change in their own agencies, and jurisdictions. A second, 24 hour

follow up seminar assists participants in analyzing how the change was effected and document lessons learned.

- **QUALITY IMPROVEMENT STRATEGIES IN CORRECTIONS** - is a 36 hour seminar which assists executive teams to assess their organizational culture and need for change. The teams develop strategies to implement quality improvement concepts and processes. Key topics include: rationale for change in the system; quality improvement philosophy; visioning, planning for short and long term impacts; measuring success; quality improvement management strategies; the role of leadership; bench marking; and applying basic statistical tools, management and planning tools, and quality function deployment techniques.
- **STRATEGIES FOR BUILDING EFFECTIVE WORK TEAMS** - This 36 hour seminar presents strategies to develop, implement, manage, and evaluate work teams within discrete work units and agency-wide. Participants develop action plans to implement and/or enhance quality work teams within their agencies. Key topics include: how organizational leadership demands are changing; situational leadership theory and applications; individual and group leadership dynamics; fundamentals of group dynamics; characteristics of work teams; maintaining quality improvement.
- **EVALUATION AND ACCOUNTABILITY STRATEGIES FOR CORRECTIONAL PROGRAMS** - is a 36 hour seminar in which participant teams analyze their program design, develop evaluation and accountability strategies, and design evaluation and accountability strategies. Teams will also develop evaluation implementation plans. Key topics include: the role and responsibilities of the program administrator and/or program evaluator; basic evaluation models and methodologies; various evaluation processes, their components, and uses; resources needed to conduct evaluations.
- **MANAGEMENT AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL SETTINGS** - This seminar is hosted by a correctional facility that provides comprehensive medical services for tuberculosis. It provides information on the prevention, assessment, treatment, and management of TB in a correctional setting. Key topics include: surveillance, assessment, and containment; facility design; legal issues; policies and procedures; staff training; community and agency linkages for continuity of care.
- **IDENTIFYING AND MANAGING GANGS** - Gangs are addressed through two separate 18-hour seminars, which can also be combined into one comprehensive presentation. Session 1, *Gang Identification* focuses on current trends in gang activity, the major deviant groups operating regionally and nationally, their characteristics and methods for identifying specific gangs and groups. Session 2, *Gang Management*, covers data management systems,

intelligence-tracking models that can be adapted for use, and organizational and program structures for gang management.

- **SEX OFFENDER TREATMENT SKILLS** - This intensive, 36-hour seminar is designed for experienced clinicians. The seminar covers cognitive approaches to changing offender behavior and use of relapse prevention techniques in treating sex offenders. Key topics include developing a systems approach to treating sex offenders in a correctional setting, difficulties and common therapeutic problems in treating sex offenders, risk assessment, legal issues, measuring treatment progress, and developing program models.
- **INTERNAL PRISON CLASSIFICATION SYSTEMS** - is a 16-hour seminar designed for two-person teams from state departments of corrections. Teams should consist of either a central office administrator or prison warden with direct responsibility for prison management, and a director of classification, either system wide or for a specific prison. Participants will explore the concept of internal classification and its benefits. The seminar will present the experiences of prisons that have implemented this type of classification.
- **PRISON SECURITY/CONDUCTING SECURITY AUDITS**- is a 36-hour seminar which focuses on the development of sound management principles related to prison security. Integration of staffing, the physical plant and operations is stressed as a means of maintaining a safe and secure institution. Key topics include; principles of security, physical plant security, staffing analysis, preparation for critical incidents, management of prison gangs, internal monitoring and auditing of security operations, and use of technology.
- **EMERGENCY PREPAREDNESS ASSESSMENT** - This 40-hour seminar focuses on assessing a correctional system's ability to maintain a safe and secure environment. It addresses emergency circumstances, ranging from internal disruptions to those arising from external factors, such as natural and environmental disaster; job actions, and other uncontrollable events. Key topics include emergency preparedness from a preventative perspective, identifying areas of potential vulnerability and liability, and evaluating the strengths and weaknesses of an emergency preparedness system.



Values, Attitudes, and Adjustment to Prison by Younger, Male Federal Inmates

Christopher A. Innes, Ph.D.
Federal Bureau of Prisons

Abstract

In recent years, the Federal Bureau of Prisons has had good success with inmates in programs that use cognitive-behavioral approaches. One of the essential strategies of this approach is to start by working with inmates to clarify their values or attitudes and thinking about the ways in which they contradict one another. Inmates are then confronted with the ways that their past criminal actions and their consequences are inconsistent with any pro-social values or attitudes they endorse. This approach can be effective with inmates even when, initially, they are simply trying to manipulate the situation by saying whatever they think the staff want to hear. There has been, however, some speculation that this approach may be less effective with many younger inmates who are so steeped in street culture or committed to gang life that even their basic values are essentially anti-social. Such attitudes as the endorsement of the use of aggression, lacking any sense of responsibility, and showing an absence of remorse for past behavior were thought to be much more common among these younger inmates. To examine this possibility, a survey of male inmates under age 30 in a medium security level Federal facilities was conducted. The results indicated that, by large majorities, these younger inmates endorsed pro-social, conventional goals and values. There were, however, a minority of inmates who endorsed attitudes favoring the use of aggression, the abdication of responsibility, and a lack of remorse. Such inmates were less likely to report they had participated in a program and more likely to report having engaged in misconduct since coming to prison.

The opinions expressed in this article are those of the author and do not represent the policies of the U.S. Department of Justice or the Federal Bureau of Prisons.



Values, Attitudes, and Adjustment to Prison by Younger, Male Federal Inmates

Christopher A. Innes, Ph.D.
Federal Bureau of Prisons

Over the last decade, the Federal Bureau of Prisons' inmate population has more than doubled to reach 113,000 by the beginning of 1998. This growth was the product of changes both in law enforcement or prosecutorial practice which attended the war on drugs and in a number of related legislative initiatives which established Federal sentencing guidelines, eliminated parole, imposed mandatory minimum sentences, and substantially reduced prison good time. During this same period there has also been both a rise in the rates of prison misconduct and a number of serious disturbances, including several during October, 1995. Many saw these events as more than coincidental and attributed them to the arrival of a "new" offender in the Federal prison system who they believe is significantly more difficult to manage.¹ This new type of offender was typically described as a younger and more aggressive, generally urban individual who was, before coming to prison, involved in street-gangs that used or sold drugs and routinely employed violence. The result, according to this view, is an offender who shows little sense of personal responsibility, lacks feelings of remorse or guilt, and adheres to a code of behavior that encourages the use of violence to resolve disputes and achieve status.

The notion that there is a very different type of offender arriving in American prisons is consistent with the widespread belief that significant changes have occurred in our society which have fundamentally altered the values by which many live. For example, Bennett, Dilulio, and Walters (1996) have pointed to reported increases in juvenile crime and predicted the rise of a new, anti-social, and amoral "super predator" on America's streets. These authors marshal a variety of statistics and opinions to argue that a "ticking crime bomb" exists which is the result of the "moral poverty" bred by the conditions common in some American communities.

From this, Bennett, et. al. conclude that, "A new generation of street criminals is upon us—the youngest, biggest, and baddest generation any society has ever known." (p. 26). They go on to say,

"Based on all that we have witnessed, researched, and heard from people who are close to the action, here is what we believe: America is now home to thickening ranks of juvenile "super-predators"—radically impulsive, brutally remorseless youngsters...They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality. In prison and out, the things that super-predators get by their criminal behavior—sex, drugs, money—are their own immediate rewards. *Nothing else matters to them.*" (p. 27-28, emphasis original).

The authors cite with approval press accounts which refer to "...ultra-violent, morally vacuous young people..." and James Q. Wilson's reference to random violence committed by, "...youngsters who afterwards show us the blank, unremorseful face of a feral, pre-social being." This image of younger offenders weaves together two distinct, contradictory, themes. On the one hand, these authors refer to the values and attitudes of offenders, while on the other they describe behavior which is impulsive and random. This confuses these extreme forms of behavior with the more commonly observed, but much less dramatic, types of antisocial actions by criminals.

What is more often observed by correctional professionals, who are presumably "close to the action" themselves, is a different sort of inmate. One whose behavior routinely shows, in their thinking, decisions, and actions, a profound bias toward the satisfaction of their immediate desires. Such people often act to satisfy their immediate desires at the expense of some greater, but deferred, gratifications and even when there are clearly very negative consequences likely to follow. A person behaving in this way seems to often use force, coercion, or fraud, as necessary, because it is the quickest and easiest way to get what they want.² As unflattering as this portrait may be, and as dangerous as these people often are, no useful purpose is served by demonizing them. The argument presented below is that most offenders are not psychopathic. Instead, most inmates think and act in ways which, while clearly antisocial, can still be altered.

Gottfredson and Hirschi (1990) argue that this pattern of thought and action describes most offenders, even those, like burglars and white collar criminals, who we usually think of as being

more sophisticated or careful in planning their crimes. They point out that this way of acting is not limited to just committing crimes. Such people abuse drugs or alcohol, despite the devastating effect it has on themselves and those around them, because it is the quickest and easiest way to achieve satisfaction of their immediate desire. It is not unreasonable to assume that people who used aggression as a matter of course during their life on the street may continue to try and do so after they are incarcerated.³

Adjustment to Incarceration

In this perspective, aggressive inmates are simply street predators, now incarcerated, who attempt to apply the style of behavior they have learned previously in dealing with a new situation. Those inmates who continue to employ an aggressive style in dealing with the prison environment choose to do so because it has worked for them in the past rather than because they are a "feral, pre-social beings". Prisons, however, are not the same as the streets, because prison administrators and staff have far more control over, and much less tolerance for, aggressive or disruptive behavior of any kind. For reasons which will be discussed below, some inmates may persist in an aggressive approach even after it ought to be clear to them that this is not an effective strategy for a prison inmate to employ.

Inmates arriving in prison, particularly for the first time, are faced with a profoundly different situation than the one they faced on the streets. There is no reason to believe that all inmates are alike or that each one will react in a similar fashion to incarceration. Innes and Verdeyen (1997) argue that among violent or disruptive inmates there are distinct types, and that each will react differently to any attempt to control or alter their behavior with programs, treatment, or custody arrangements. In other work, the adjustment of an inmate has been related to coping techniques (Bonta and Gendreau, 1992; Sappington, 1996; Zamble and Porporino, 1988, 1990) and personality type or style (Van Voorhis, 1993; White and Jones, 1996). Rather than being just a matter of what an inmate "imports" with him or her when they arrive in prison, behavior will be a function of how they use what they have brought to deal with their new environment.

The population within any correctional institution is always a very heterogeneous group. Many are aggressive or disruptive because they are simply people who are in the habit of using

force and coercion to get what they want— they have an *aggressive style*. Most such inmates are sufficiently competent socially and/or cognitively skilled so that they *could* act in a pro-social and constructive way, if they chose to do so. Other aggressive or disruptive inmates display a sufficient number of behavioral characteristics to satisfy the diagnoses of an *anti-social personality*. They are repeat criminal offenders, aggressive, impulsive, deceitful, reckless, irresponsible, and lacking in remorse. They differ from those with an aggressive style, in that this behavior has been displayed in many very different situations and over an extended, even lifelong, period of time. A minority of this group can also be described as a *psychopathic personality*.

A psychopath exhibits a unique set of affective and interpersonal characteristics (unfeeling, superficial, grandiose, deceitful, lacking in remorse and empathy, failure to accept responsibility) in addition to the specific behaviors associated with other anti-social personalities (Hare, 1990, 1993). Psychopaths, like others with anti-social personalities, behave like criminals as described above— they are impulsive, aggressive, they lack goals, are irresponsible, and have a long history of being disruptive or difficult (in school as children and at work later) or doing crimes (both as juveniles and adults). What makes a psychopath different from the run-of-mill criminal is the affective and interpersonal aspects of the disorder. The argument here is that truly psychopathic personalities are relatively rare, even in a correctional population. It certainly can not be assumed that all aggressive inmates, much less all younger offenders, think and act like psychopaths.

It is important to note that some inmates with an aggressive style may sometimes *look psychopathic* when, in fact, they have no personality disorder at all. A "streetwise" offender may display a style of interacting with others that is glib, superficial, appears grandiose or arrogant, and exaggerates his reputation or skills. What differentiates these offenders from true psychopaths, is that they can "turn off" the style if they want to. In a recent analysis that focused on adjustment of African American inmates to Federal prisons, Jackson and Innes (1997) argue that many of the characteristics of their behavior in prison can be related to their coping styles. When they have the style "turned on" they display behavior that reflects an exaggerated view of masculinity (Curtis, 1975).

Inmate Attitudes and the "Code of the Streets"

The conception of manhood associated with the "code of the streets", which clearly is adopted by some inmates, emphasizes aggressive and manipulative behavior, sexual conquests, thrill-seeking, the appearance of wealth and the absence of personal accountability (Hunter and Davis, 1994; Oliver, 1994). Majors and Billson (1992) refer to this as the "cool pose", a presentation of self many African American men use to establish a male identity that entails behaviors, scripts, and physical posturing to convey a message of pride, strength and control. They argue that a cool pose helps these men adapt to their environment and neutralize stress. This method is sometimes automatic or unconscious and functions as a defense mechanism. Other times it may be more conscious or deliberate and represent the use of aggressiveness, both verbal and physical, as a coping technique.

In the terminology of Anderson's (1994) essay on urban violence, the automatic use of cool pose typifies "street" individuals, but this style may also be used by those considered "decent" in the community. The latter, according to the author, may consciously decide to appear tough and manly as a defensive measure while on the street, but can behave in other ways in another setting. Anderson argues that the essential difference between this second type and the former is that they were raised in families that supported mainstream, pro-social values. Those who are street-oriented were more often taught rules for interpersonal behavior that include violence and are based on an insecure notion of respect and "being treated right" by others— the code of the streets⁴.

Coping with Incarceration

In an analysis of the prison life adjustment literature, Adams (1992) focused on the stress and coping literature and its emphasis upon the relationship between persons and environments in understanding psychological reactions to threatening and difficult situations. Innes (*in press*), in an analysis of misconduct by Federal inmates during the first three years of incarceration, found age to be a strong correlate of institution behavior and argued that the early period of incarceration is critical to adjustment. This stage marks a sharp transition in an inmate's life. Inmates may be more receptive to programs geared toward pro-socialization in the early imprisonment stage, making this time a "window of opportunity" (Zamble and Porporino, 1988; Zamble, 1992). Research following

the 1995 disturbances in Federal prisons found that the majority of the leaders and participants were near the beginning of their sentences (Karacki, Miller, and Innes, 1996). The transition from community life to prison can represent a stressful challenge to an inmate, involving not only a loss of contact with the outside world but also a loss of liberty. How an inmate copes with this transition plays a major role in their adjustment to prison and has a lasting effect on them as they serve their sentences.

In cases where they fail to adapt to prison successfully, they may be using maladaptive coping strategies. Nonadaptive coping styles can result from extreme stress, inaccurate appraisals of situations, or from coping skills deficits. There is a tendency in the stress and coping literature to assume that all coping is adaptive. That is, that a particular approach to dealing with a problem will be used in the future if it has been successful in the past. However, what if a person shows a peculiar bias toward more immediate and concrete rewards? That is, what if an individual has a stronger "reward dependence" to use Cloninger's (1987) term for a temperamental quality that effects the sensitivity a person shows in their response to reward or punishment. Kagan (1994) argues that such temperamental differences appear early in a child's development. Someone with a high reward dependence, might use techniques which produce those immediate rewards and continue to do so even when it results in negative consequences later. As discussed above, this essentially describes the typical pattern of behavior offenders display.

Faced with a particularly stressful situation, such as beginning a long period of incarceration, an inmate may reacted in maladaptive ways. The clearest statement of this perspective as it relates specifically to stress and coping is still the classic work by Richard Lazarus and associates (Lazarus, 1961, 1963; Lazarus and Folkman 1984). Lazarus (1961) proposed two views of how adjustment attempts may fail. One sees maladjustment as nonadaptive behavior resulting from the disruption of behavior caused by stress itself. That is, the individual sees the situation as so overwhelming and hopeless that they can not form a constructive response. They may use any number of strategies such as denial, withdrawal, or other "emotion focused" responses directed at the attempt to reduce their anxiety or depression but which does nothing about the source of the stress itself (Carver, Scheier, and Weintraub, 1989).

An alternative view focuses on an individual's inability to solve problems because defenses

against anxiety make the underlying conflicts inaccessible. In this latter view, adjustment failures occur because ineffective coping mechanisms have been acquired in the struggle to reduce stress and manage anxiety. This is essentially the view which the Relapse Prevention perspective takes in its conceptualization of substance abuse (Marlatt and Gordon, 1985). In an attempt to integrate the two perspectives, Lazarus has suggested that a maladaptive coping strategy could resist change because the strategy reduces stress, at least in the short run, whatever its long term consequences may be. The individual develops what appears to be a nonadaptive coping strategy because the reduction in anxiety is more immediately reinforcing in avoiding the pain of a stressful situation.

There is some research evidence to support this argument that coping skills deficiencies could cause adjustment problems, particularly in the early stage of imprisonment, when the stress of incarceration should be highest. Sappington (1996) examined the relationship between self-efficacy and response-outcome beliefs, cognitive coping styles (problem solving, blaming others, dwelling on problems, self blame), and prison adjustment variables for 48 inmates enrolled in an anger management program. In addition to cognitive variables, the analysis included other variables such as sentence length, time served, education level, and time until earliest possible parole date that have been shown to be related to prison adjustment (Zamble and Porporino, 1990).

Sappington found that age and time served affected both beliefs and cognitive coping style. The tendency to blame, either one's self or others, and to dwell on problems, two cognitively oriented coping styles, were associated with poorer adjustment. Individuals who believed that their behavior did not affect their treatment and those who believed that they could not control their actions were also more likely to have more adjustment problems. Problem-solving cognitive coping styles, however, were associated with better adjustment. Sappington argued that two processes must be realized before maladaptive prison styles can be affected. First, an inmate has to view program treatment as a necessity, in terms of the rewards or advantages to be attained. Secondly, an inmate has to think that there is a possibility that behavioral change can be achieved. Expectancies thus refer to both an inmate's belief that a particular consequence will result from program participation and that he or she is able to control his behavior.⁵

In this context, it is important to make a distinction between the *values* these inmates endorse and the *attitudes* they express. Values are desirable goals, which serve as guiding principles

in people's lives and form the basis for our general decision making and moral reasoning (Rokeach, 1973; Schwartz, 1996). In so far as an individual uses moral reasoning to guide their behavior, it is the values that they hold which allows them to judge a preferred course of action (Kohlberg, 1981, 1984). Values, therefore, must have an implicit hierarchy to allow us to choose one over the other in specific situations. For example, we may believe that altruism is a good thing and that others in need of help ought to be assisted. We do not, however, routinely send the mortgage check to a charity instead of the bank because we place a higher value upon providing for our families or meeting out financial obligations. Some attempts have been made to influence the moral reasoning of inmates using a cognitive-behavior program called Moral Reconation Therapy (Little, et al. 1996; Brame et al. 1996).

The concept of attitudes, on the other hand, has always referred more specifically to particular objects or behaviors and includes both an evaluative component and a predisposition to act (Alexander, 1966; Allport, 1935; Ostrum, 1968). Research on attitudes has characterized them as complex cognitive elements which help predict, but do not necessarily determine actions involving the object of the attitude (Eagly and Chaiken, 1993; Olson and Zanna, 1993). Again, for most people there is a degree of consistency between their general values and specific attitudes, at least on subjects that are important to them, and a general tendency for their behavior to, in turn, be consistent with those. In the example above, a positive belief in altruism should be associated with a positive attitude toward the United Way and a greater likelihood of a donation to it. One of the notable elements of a criminal thinking styles is the way in which offenders manage to resolve the inconsistencies that exist between their behavior and the values or attitudes they often profess to endorse (Walters, 1995; Simourd, 1997).

The task for Bureau of Prisons staff is to seek to manage this population in ways which will, hopefully, lead to changes in their behavior in a more positive direction. The Bureau has a long history of using a wide variety of programming in an effort to accomplish exactly this result. In recent years, residential unit based programs such as substance abuse treatment have been made widely available. There are also a large number of educational and vocational training programs, including Federal Prison Industries, and other programs such as parenting and anger management. Other unit based residential programs have also recently been established or are planned which are designed

to encourage pro-social values and attitudes. The difficulty lies in motivating inmates to become involved in such programs and maintaining in them the necessary commitment to benefit fully from these opportunities.

The Survey of Male Inmates Under Age Thirty in Medium Security Facilities

In an effort to collect information on that issue and to assist in planning for current and future programs, a survey was proposed focusing specifically on that part of the inmate population which had been the subject of so much speculation-- those younger inmates (under age 30) at medium security level institutions where most of the 1995 disturbances had occurred. Beginning in May, 1997 a working group was assembled to design a questionnaire intended to address issues believed to be related to program participation by younger inmates. To reduce the burden on field staff and minimize disruption to institution operations, the instrument was designed to be a self-administered questionnaire capable of being given in small groups. In July, 1997 a pre-test of the questionnaire was conducted with 60 inmates at a medium level Federal Correctional Institution. Based on an analysis and review of the results, the original questionnaire was slightly modified.

In October, 1997 a representative sample of male inmates under age 30 and incarcerated in a medium level security facility was drawn using a stratified, multistage design. One medium level security male institution was selected at random from each region and inmate respondents were sampled from a complete list of all male inmates under age 30, in that institution on a given day. The inmates were selected in proportion to the total proportion of male, under age 30 inmates in medium security facilities in the region relative to the national population. A sufficient supply of questionnaires was sent to each of the selected institutions together with the list of the inmates selected for the survey. Local staff arranged to call out the selected inmates and supervised the administration of the questionnaire to small groups. Of the six institutions selected, one was unable to participate for administrative reasons. The remaining five institutions had an average response rate of 86% for the survey. The total response rate for the survey, including the non-participating institution, was 75% overall. A total of 291 completed and usable questionnaires were returned for editing, data entry, and analysis.

The final sample in the survey was, like the population they represented among male inmates

under age 30 in medium security facilities, primarily African American. Of the 291 respondents to the survey, 58 percent reported they were African Americans. Most, 69 percent, had never been married and nearly half, 48 percent had less than a high school degree or GED. Before their incarceration, about half were working at a regular job— 43 percent of them in unskilled labor and 49 percent in a skilled, blue collar job.

Inmates Values

The question still remains of whether these younger inmates do or do not endorse pro-social values. Despite their unfavorable reputation in some quarters, these inmates appeared to express values which were noticeably conventional. The questions on values limited to three the number of response items the inmates could mark, forcing them to choose. There was little evidence in the questions directed at their values to indicate an essentially anti-social orientation. When asked, "If you could get out right now, which of these things would you most like to have?" inmates choose conventional goals (Table 1). Half said they wanted to be successful and over four out of ten mentioned family and work as things they would like to have. One in five mentioned helping people and education. Given a choice between conventional goals and those associated with street life and attitudes, these inmates overwhelmingly choose the former. Only a few referred to a nice place to live, clothes, and having fun or a lot of excitement. Paying back people who had hurt them and being with old friends and getting back to their old life was seldom mentioned.

A similar pattern was evident in response to a question specifically directed at the issue believed to be important in street culture, that of earning respect. When asked "Which of these things do you think does the most to earn a man respect?" few inmates endorsed street values in responding. The most common answer, chosen by 69 percent of the respondents was "If he has self-respect" (Table 2). This choice had been added to the original version of the questionnaire, because it was the most frequently volunteered response in the pre-test. Other common responses to this question include helping others, being trusted by others, being a good family man, and staying out of trouble. As in the previous question, few inmates endorsed those values commonly associated with street culture. Responses such as "People does what he says", "People are afraid of him", and "He's a good fighter" were very rarely chosen.

Table 1: Responses to the question, "If you could get out right now, which of these things would you most like to have?"

Like to have	Percent
Be successful/satisfied with life	50.3%
A good family life	45.8%
Job that pays enough to support family	44.1%
Spend time with kids	42.0%
Help other people	21.5%
Go on with education	21.5%
Money enough for good life	17.0%
Religious life	10.4%
Live with wife/girlfriend	9.7%
Have lots of sex	9.4%
Nice place to live	5.9%
Nice clothes, good car	3.5%
Have a lot of fun	3.1%
Pay back people who have hurt	1.7 %
A lot of excitement	.7%
Be with old friends, old life	.3%

Multiple response item, percentages add to more than 100%.

Table 2: Responses to the question, "Which of these things do you think does the most to earn a man respect?"

Earn a man respect	Percent
He has self-respect	68.8%
Helps others	49.5%
People trust him	39.3%
He's a good family man	36.1%
He stays out of trouble	28.1%
Leads a religious life	20.4%
Reads., knows a lot	10.5%
Good at his job	9.5%
People know not to mess with him	4.6%
He has a lot of money	3.2%
His woman trusts him	2.5%
He dresses right, has nice things	1.8%
People do what he says	1.4%
He knows how to have a good time	1.1 %
People are afraid of him	1.1%
He is tough, a good fighter	.7%

Multiple response item, percentages add to more than 100%.

When all inmates were asked about their willingness to be in a program, their responses were generally consistent with these sentiments. Most inmates said they would be willing to be in one if they thought it would aid them to better themselves, help them when they get out, or develop skills (Table 3). When the responses of inmates who had been in a program, versus those who had not are examined, there is little difference in their answers (not shown). Those who have not participated in programs appeared slightly less likely to mention these somewhat more remote goals. Interestingly, one of the more concrete and more immediate goals, higher pay, was chosen more often by those inmates who *had not* been involved in a program than those who had been involved.

There is a possibility that some inmates are less motivated by goals or rewards that seem more abstract or remote. This would be consistent with the view that offenders in general often emphasize rewards which are immediate and concrete as opposed to more deferred gratifications.

These results seem to indicate that these younger inmates are, on the whole, not determinedly anti-social in their values and preferences. Many, however, have not become involved in programs despite the similarity of their choices compared to those who have become involved. It is possible that these non-participating inmates simply do not believe that the programs will actually help them or that some inmates say they would be willing to become involved in programs, but will not do so even when they are available. As might be expected from the discussion above, it appears that there are distinct groups within this population and that they differ not only in the kinds of goals or rewards that appeal to them, but also in the degree to which they are motivated to actually act.

Table 3: Responses to the question, "Thinking about educational or vocational training classes or any self development programs, what would be the most important reason why you would be willing to be in a program"

Be willing	Percent
To better self, satisfied with life	66.8%
Will help when gets out	65.7%
To develop skills	54.0%
If useful, interesting	24.1%
To get good time, early release	22.3%
To get higher pay scale	15.7%
It's better than being bored	10.9%
Family encourages involvement	8.4%
Get awards, privileges	4.0%
Get in to habits of doing it	1.8%
Like to "Play the game"	1.5%

Multiple response item, percentages add to more than 100%.

Inmate Attitudes

The attitudes these inmates hold, as opposed to the more general values they appear to endorse, has an influence on their program participation. In some of the speculation about younger offenders, it has been assumed that many of them have been socialized into a "street culture" that endorses the use of aggression, minimizes personal responsibility, and discourages feeling of remorse for antisocial behavior. To examine this possibility, three attitude scales were constructed from a number of true/false statements. Inmates who agreed with three or more of four related items were scored as "Yes" on the attitude scale while those who agreed with less than three were scored as "No" on that item.

Attitude Scale Items

Endorses using aggressive behavior--

If somebody disrespects you then you have to straighten them out.
People have to know just by looking at you that you can take care of yourself.
I learned early that the only way to protect yourself is to be ready to fight.
It's better to risk dying in a fight then back down and have everybody think you're weak.

Lacks an acceptance of personal responsibility--

I'm not a bad person, but I have had to do some bad things when the situation required it.
People who tell me I'm to blame for everything I've done, don't understand what my life has been like.
Nothing I do here is going to make any difference in the way I'm treated.
I may be a criminal, but that's because my environment made me that way.

Lack of remorse--

I've been blamed for a lot of things that really are not my fault.
I may have hurt some people in the past but there's nothing I can do about it now.
Anybody I ever hurt is probably over it by now, so I'm the only one who is left to suffer.
I really can't think of anything I've ever done that I feel sorry about.

Among this sample of younger inmates in medium security facilities, less than a third endorse the attitudes which have been associated with the street culture of "new" offenders. Overall, 22 percent of the respondents in this survey agreed with three or more of the items endorsing the use

of aggression. About a third, 31 percent, showed a lack of acceptance of responsibility by endorsing three or more of those items. And very few, only 13 percent, displayed a lack of remorse by endorsing three or more of the items on that scale. Furthermore, the relationship of these attitude scales with responses to the values questions reported above is generally weak.

Attitudes and Program Participation or Misconduct

The willingness of an inmate to agree with these statements is related to the likelihood that they will have reported having been in a program. About half of the inmates who endorse street attitudes on using aggression have participated in a program versus two thirds of those who do not endorse such attitudes (Table 4). Similarly, two thirds of inmates who appear to accept responsibility for their behavior and show remorse for past harms they have done also report having been in a program.

Table 4: If have ever been in a program by attitude scales for endorse the use of aggression, lack a sense of responsibility, and lack remorse.

Attitude scale	Ever in a program	
	No	Yes
Endorse use of aggression	No	34.2%
	Yes	50.0%
Lacks sense of responsibility	No	35.4%
	Yes	56.8%
Shows lack of remorse	No	34.4%
	Yes	41.0%
Total	37.8%	62.2%

All scales significant at $p < .05$.

Another measure of adjustment, aside from program participation, is misconduct. Respondents were asked if they had been involved in misconduct since coming into Bureau of Prisons custody. They were asked if they had any misconduct ("shots") during that time and also if they had any for a serious violent offense. These include "100 level" shots for homicide, assault

with a weapon, or aggravated assault, and "200 level" shots for fighting or simple assaults. More than half of these younger inmates reported having received a shot and almost a third said they had received one for a serious violent offense.

The likelihood that an inmate has received a shot for any misconduct or any violent misconduct is related to some of the attitudes they endorsed. Inmates who endorse street attitudes encouraging the use of aggression are more likely to report they have had a shot, about two thirds said they had received one and over four out of ten reported having received one for a violent offense (Table 5). Lack of responsibility is related to having received a shot for any misconduct, but not significantly related to having received one for violence. Showing a lack of remorse was not significantly related to misconduct.

Table 5: Had a shot misconduct or had a shot for a violent misconduct by attitude scales for endorse the use of aggression, lack a sense of responsibility, and lack remorse.

Attitude scale	Any misconduct		Any violent misconduct	
	None	Yes	None	Yes
Endorse use of aggression	No	49.5%	50.5%	72.5% 27.5%
	Yes	32.3%	67.7%	58.1% 41.9%
Lacks sense of responsibility	No	46.9%	53.1%	74.3% 25.9%
	Yes	42.2%	57.8%	57.8% 42.2%
Shows lack of remorse	No	46.7%	53.3%	70.5% 29.5%
	Yes	37.1%	62.9%	60.0% 40.0%
Total		45.4%	54.6%	69.1% 30.9%

Endorses aggression is significant at $p < .05$, Lacks sense of responsibility is significant for any misconduct only at $p < .05$, Shows lack of remorse is not significant.

Attitudes, Seeking Help, and Adjustment

These scales are related to another item in the survey which tends to imply that these inmates are more mistrustful or socially isolated. Inmates were asked, "If you have a problem here, is there anyone you can go to for help or to explain things?". For example, among inmates who endorse attitudes encouraging the use of aggression, 68 percent said that there was no one they can

go to for help inside the institution. Among those who did not endorse the use of aggression, less than half, 48 percent, said there was no one they could go to for help or the explain things. And the degree to which an inmate appears to translate attitudes into better adjustment to prison, as reflected in program participation, is effected by if they can go to someone else for help.

Inmates who do not endorse street attitudes and do have someone they can go to for help in the institution (either staff or inmates) are most likely to report they have been in a program (Table 6a). Those who accept responsibility and show remorse, plus have some one they can go to for help are also more likely to report program participation.

Table 6a: If have ever been in a program by attitude scales for endorse the use of aggression, lack a sense of responsibility, and lack remorse. If they have someone inside they can go to for help or to explain things—

Attitude scale	Ever in a program	
	No	Yes
Endorse use of aggression	No	28.9%
	Yes	40.0%
Lacks sense of responsibility	No	27.0%
	Yes	41.2%
Shows lack of remorse	No	28.1%
	Yes	53.8%
Total	30.6%	69.4%

P>.05 for all scales.

The differences between those who display pro-social attitudes and those who do not, in terms of program participation are much smaller among inmates who are isolated (Table 6b). The implication of this finding is that even inmates whose values and attitudes might incline them to participate in a program, still might not do so if they do not have access to the necessary resources within the institution to find out about programs and how to become involved in them.

Table 6b: If have ever been in a program by attitude scales for endorse the use of aggression, lack a sense of responsibility, and lack remorse. If they do not have someone inside they can go to for help or to explain things--

Attitude scale	Ever in a program	
	No	Yes
Endorse use of aggression	No	40.8%
	Yes	56.1%
Lacks sense of responsibility	No	44.7%
	Yes	46.0%
Shows lack of remorse	No	42.0%
	Yes	60.0%
Total		45.1% 54.9%

P>.05 for all scales.

While the relationship between these scales and program participation is consistent with the argument being made here, they are not statistically significant when controlling for whether the inmate reported there was someone within the institution he could go to for help or to explain things. Aside from the role of having someone to go to for help or to explain things, this is in part also a product of the size of the sample and the limitation it imposes on higher order tables. In addition, the possibility remains that other factors, such as race of the inmate or the time he has served to date are producing the relationships discussed above. That is, for example, if cultural factors underlie the relationships or if they are purely a product of the amount of time an inmate has been incarcerated. The amount of time an inmate has remaining to serve might also affect both his attitudes and the likelihood he will participate in programs or engage in misconduct.

To test this possibility, logistic regressions were run using the scales to predict reported program participation or misconduct while controlling for these other factors. In this analysis, the scale values were the summated values for the four items in the scale and, therefore, ranged from zero to four. Race was a dummy variable coded one if the inmate was African American and zero otherwise. Time served and time remaining to be served was coded in months and age was in years. The variable for who helps or explains things was coded one if there is no one in the institution who

they can go to for help or to explain things and zero otherwise.

Table 7: Logistic Regression for reported program participation, any misconduct, and violent misconduct.

Any reported program participation.

	B (s.e.)	Significance
Race of inmate	-.1551 (.2775)	.5761
Time served	.0157 (.0066)	.0171
Time remaining to serve	-.0033 (.0017)	.0506
Age of inmate	.0407 (.0390)	.2972
Endorse aggression	-.0310 (.1259)	.8053
Lack sense of responsibility	-.0498 (.1263)	.6936
Lack remorse	-.3506 (.1442)	.0151
Anyone helps/explains	-.6259 (.2699)	.0242

Any reported misconduct.

	B (s.e.)	Significance
Race of inmate	-.1156 (.2845)	.9564
Time served	.0246 (.0067)	.0002
Time remaining to serve	-.0033 (.0018)	.0605
Age of inmate	-.0810 (.0474)	.0879
Endorse aggression	.3103 (.1309)	.0178
Lack sense of responsibility	-.0616 (.1309)	.6318
Lack remorse	-.0414 (.1512)	.7844
Anyone helps/explains	-.1051 (.2790)	.7063

Any reported violent misconduct.

	B (s.e.)	Significance
Race of inmate	.1328 (.3093)	.6677
Time served	.0201 (.0063)	.0013
Time remaining to serve	-.0021 (.0018)	.2239
Age of inmate	-.0401 (.0451)	.3731
Endorse aggression	.3357 (.1375)	.0146
Lack sense of responsibility	.2814 (.1411)	.0462
Lack remorse	-.0648 (.1623)	.6898
Anyone helps/explains	-.4582 (.3028)	.1302

The results of the logistic regressions bear out the findings reported above from the analysis of the cross tabulation tables (Table 7). Reported program participation is significantly related to expression of remorse and if there is someone who the inmate can go to for help or to explain things,

as well as to time served. In this analysis, showing a lack of a sense of responsibility was not significantly related to reported program participation when controlling for other factors. The positive relationship of endorsing aggression on reported misconduct of any kind and on reported violent misconduct persists when controlling for race, time served, time remaining to serve, and age of the inmate. Of these, only time served to date is also significant in predicting reported misconduct.

Conclusion

Younger inmates, therefore, do not appear to conform to the description of them as aggressively anti-social, much less the "pre-social beings" some see in them. On the whole, the values they endorse are largely ones most Americans share and focus on family or conventional definitions of success, like employment and education. For some inmates, however, these values do not translate directly into pro-social attitudes or constructive behavior. The argument presented above is that these inconsistencies are the product of an adaptive style of coping that is a continuation of the one they used before coming to prison. Further, that style is characterized by a bias toward more immediate rewards which tends to make changing those strategies more difficult. Still, for most offenders, the rewards are not only sex, money, and drugs—*something else does matter to them*.

Herein lies an avenue for intervention by those who seek to affect the behavior of offenders. This is because they do very often endorse pro-social values but sometimes express anti-social attitudes or act in anti-social ways. Programs such as those designed by the Bureau of Prisons that focus on criminal thinking patterns and lifestyles are intended to confront inmates with exactly these types of inconsistencies. The most effective strategies in dealing with inmates involve examining with them how the values and goals they endorse in a program conflict with the attitudes they express or the ways they act elsewhere (Elliot and Walters, 1991, 1997). As difficult as this turns out to be in practice, it is less daunting a task than would be altering their basic values or changing their personality.

It is important to note in this context that, in endorsing pro-social or conventional values or attitudes, it is not necessary for an inmate to be *sincere*. Many inmates "play the game" with staff

by telling them whatever they believe the staff wants to hear. The point is that the willingness of an inmate to endorse pro-social values or express pro-social attitudes gives the staff a starting point from which they can work with an inmate. It is from this point that staff can confront inmates with the contradictions between the values or attitudes they espouse, no matter how insincerely, and the behavior they display.

In the seemingly endless debate over the effectiveness of correctional treatment, it has always been recognized that programs do appear to work for some inmates. This was the conclusion of the National Academy of Sciences panel on rehabilitation in the late 1970s (Sechrest, White, and Brown, 1979). Lipton et al. (1998) has recently reported that a review of nearly 1,500 evaluations studies over the last 30 years shows that majority of studies find positive results, particularly for some types of programs like substance abuse treatment, cognitive behavior learning, and social skills training. They conclude, however, that, "...the main findings of use to policy makers will come with the application of the moderating variables that will enable us to speak to the question of 'What works with whom and under what circumstances?'." Aside from the fact that, after 30 years and 1,500 studies, this seems to represent modest progress, is the issue of whether such studies will always be of limited use to practitioners.

This is because the typical research evaluation design starts out by trying to control for exactly those factors that could tell us what works for whom. In an experimental or quasi-experimental design, various methodological devices are employed in an effort to eliminate the contaminating effect of such factors as the willingness or motivation of the subject, his or her readiness for treatment, and the resources they bring with them that might contribute to their success in the program-- what has been referred to as the "Responsivity Principle" (Andrews and Bonta, 1994). All of this is in the service of isolating, for the purpose of measurement and testing, the *treatment effect* as though it were a distinct entity that exists apart from the person being treated. As necessary as this is in order to do evaluative research, it does not change the fact that a treatment effect still only exists as coefficients in a statistical equation.

Of course, unless we control for the selection bias produced by subjects' willingness to participate or readiness to change, we cannot know if the treatment produced whatever success is observed or the original motivation did. It is sometimes argued, however, that this implies that the

subject would have gotten better anyway and the treatment is essentially irrelevant. This begs at least two important questions. One is why some treatments seem to work better than others. If the true cause of success is the motivation of the individual than the type of treatment should have no effect on the outcome. The other question is why treatment so often fails. Most people entering substance abuse treatment, for example, are highly motivated, they say they want to change and are often very optimistic that, this time, they can get clean or sober. The operative phrase here is, "this time" because more often than not they have already been in treatment. The focus of this research has been on these issues of the values of attitudes, and willingness to become involved in programs by younger inmates in medium security institutions within the Federal Bureau of Prisons and thus seeks to speak specifically to those effects which most evaluative studies seek to control for in their designs.

Notes

1. In the official after-action report (Federal Bureau of Prisons, 1996) following the October, 1995 disturbances, a number of factors were cited as contributing influences. These included inmates' resentment toward perceived sentencing disparities, significant numbers of inmates serving lengthy sentences, and other changes which were viewed as unfavorable to inmates such as mandatory minimum sentences and loss of funding for some programs. It was also noted that those inmates who led or participated in the disturbances were more likely to have had a history of involvement with prison or street gangs and to be African American. The report goes on to say that,

"These findings are consistent with the widespread impression within the BOP that there has been a significant change in the nature of the Federal inmate population in recent years. There now is a plurality of inmates coming into the Federal system who are younger and more aggressive; many have been involved in drug and firearms offenses. Many of these offenders appear to be more prone to engage in gang activities or acts of violence, to be confrontational in responding to staff, and to defy institution regulations."

Research at the time indicated that those who led or participated in the disturbances were primarily African American, younger, had served less than three years of their sentence, and tended to have already shown adjustment problems, including misconduct (Karacki, Miller, and Innes, 1996).

One question which arises is whether these offenders are really a new phenomena within the Federal Bureau of Prisons. For example, in a discussion of the use of unit management at USP Lewisburg, Alan Smith and C.E. Fenton (1978) noted the following about the population which they were encountering there *in the early 1970's*,

"As is the case with many institutions, Lewisburg has experienced significant population shifts over the past several years. Increased use of probation, community alternatives to imprisonment and increased militancy have combined with burgeoning inmate populations to produce marked changes in the inmates who are incarcerated at the institution...The vast majority of inmates come from the large urban areas of the northeast seaboard. There appears to be a definite trend toward the exacerbation of this profile toward an even younger, more sophisticated, volatile, immature and violence prone population."

While the causes of the changes in the Federal inmate population these authors cite are quite different, there is nothing in their description of the 1970's "New Offender" that would could not be applied to his 1990's manifestation.

2. According to this perspective, there are people who use force and coercion to achieve their goals and define their social relationships. In a recent exposition of this view Tedeschi and Felson (1994) argue that,

"...there are three primary social motives for using coercion: (a) to influence others to obtain some benefit, (b) to express grievances and establish justice, and (c) to assert or defend social identities...Actors are viewed as making 'rational choices' based on their perceptions of the value of the outcomes, the probability of success in achieving those outcomes, the negative value of the costs, and the probability of the costs for engaging in the

contemplated act." (p156).

The authors above are at pains to point out that the fact that an action is *rational* by no means implies that it is *wise*. A decision reached, for example under the influence of alcohol, that a matter of honor can be best addressed by attacking someone larger, stronger, or even armed is, at once, both rational and profoundly idiotic. A similar analysis applies to a prison inmate who decides that he deserves a particular degree of respect, which he attempts to enforce in his interactions with correctional officers. Unlike the street, insubordination or insolence can result in such punishments as loss of privileges or confinement to disciplinary housing.

3. The perspective offered here is compatible with the tradition of research and theory on personality which stresses its adaptive functions. The view draws its inspiration from evolutionary models and sees personality as representing the global adaptive strategy of an individual in dealing with his or her environment (Beck, et al. 1990; Millon, 1990; Millon and Davis, 1996). Millon (1990), for example, discusses at length the adaptive strategy typical of each personality type and relates it explicitly to a style of coping. For example, he argues that antisocial personalities typically use an "active-independent copy strategy" which reflects a learned mistrust of others and a general strategy of aggressiveness toward them. In a similar vein, Beck et al. (1990) has related antisocial personality disorders to specific modes of social perception and decision making. They have found antisocial persons typically view themselves as strong while others are seen as either exploitative themselves or deserving of exploitation. Such people tend to believe that the world is constantly threatening and the appropriate strategy is to be aggressively self serving in their social relationships. More recent work by Lazarus (1991) has discussed emotions from a similar viewpoint Pinker (1997) has reviewed how a theory of mind would apply an evolutionary and adaptive perspective.

4. Hirschi (1995) has made a similar argument in relating early socialization experiences to later criminality. He provides a particularly succulent account of how this usually happens,

"To rear a nondelinquent child, parents must 1) monitor the child's behavior; 2) recognize deviant behavior when it occurs; and 3) punish such behavior. All that is required to activate this system is affection for or investment in the child. The parent who cares for the child will watch his behavior, see him doing things he should not do, and correct him. Presto! A socialized, decent human being."

Hirschi based this summarization of the classic work of Glueck and Glueck (1950). These findings have been recently reexamined by Sampson and Laub (1993), who reanalyzed the Gluecks original data and recast their arguments in terms of life course development.

In many ways, the differing view actually reflects differing assumptions about what Agnew (1995) calls "soft" versus "hard" determinism in explanations of crime. Control theorists, like Gottfredson and Hirschi (1990), trace the ability of a person to control themselves to their early socialization experiences and the development of self control by an individual. Those who do not develop this capacity for self control early are unlikely to ever be able to control their

impulses. The concept of self control is clearly, in this sense, a linear decedent of the Freudian Superego and comes courtesy of the Gluecks. In contrast are other views, such as the coping literature, that are a "softer" view and allows for a more adaptive approach.

5. This basic ability to act competently in society has been called "Emotional Intelligence" by Goldman (1995), who has summarized much of the recent literature inspired by the ideas of Gardner (1983) and Salovey and Mayer (1990). Goldman lists five basic abilities which are essential to such a competency,

1. Self awareness— the ability to monitor and recognize one's own emotional states.
2. Emotional management— the ability to alter one's own emotional state, for instance by calming one's self when agitated or "cheering yourself up" when depressed.
3. Efficacy— the motivation to act in ways intended to manage one's own emotional states rather than passively accept them.
4. Empathy— the ability to recognize in others their emotional states.
5. Social skills— the ability to handle interpersonal relationships.

Each of these abilities presumably develops in concert with the others through the socialization process. An emerging sense of self develops through interaction with others and it is, in turn, upon this basis that we differentiate and identify our own emotional states, then begin to recognize them in others. These form the necessary basis for our ability to control our selves and to manage our interactions with others.

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The OLDER INMATE

1. The Aging Inmate Population (SLC Special Series Report: 1998)
2. Demographic Revolution Rocks U.S. Prisons (Ted Koppel: 1999)
3. Why Old Sex Offenders Are Still Dangerous (Ted Koppel: 1999)
4. Should Elderly Convicts Be Kept in Prison? (Ted Koppel: 1999)



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WHY OLD SEX OFFENDERS ARE STILL DANGEROUS

Parole Boards Wary of Elderly Sexual Predators

April 14, 1999

By Jim Krane

NEW YORK (APBnews.com) -- Most criminals mellow with age. Even the most violent young mugger or drug dealer usually abandons his life of crime by the age of 43, corrections authorities say.

But sexual predators are different, those authorities warn. As a child molester or violent rapist matures into old age, his urge to engage in illegal sex remains acute, sometimes even growing stronger.

And, contrary to popular impressions, most of the country's oldest prisoners aren't multiple murderers serving life sentences for heinous crimes committed in their youth. Often, the very oldest are sex offenders imprisoned relatively recently and considered too dangerous to parole.

APB Forum:

In fact, in its analysis of the country's oldest prisoners, APBnews.com found more convicted of sex crimes than any other offense. Four-fifths of these older sex offenders have spent less than a

decade in prison on their current offense, meaning they were arrested and convicted at a relatively old age.

Only one of the sex offenders in APBnews.com's database, 88-year-old Texan Willie B. Williams, arrived in prison earlier than 1980. Williams, convicted of rape, burglary and drug possession, began his sentence in 1956.



Wisconsin's Ellef J. Ellefson has a sex crimes record dating to 1937



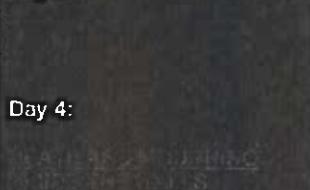
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Find Oldest Prisoners:

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Video Interviews

Jewel thief John Seybold discusses the quandary of keeping prisoners as old and frail as himself inside prison. "We're generally harmless to

began his sentence in 1956.

More than a quarter of Ohio's older prisoners are sex offenders. In Wisconsin, the total runs to 30 percent.

"You're not going to see a lot of governors pardoning people like that," said Michigan Department of Corrections spokesman Matt Davis.

Dangerous old men



Herman Herrick, a Wisconsin sex offender, in a 1994 photo

A rapist, child molester or sexual exhibitionist can be dangerous until 70 or 80 years of age or more. The old rules used to predict recidivism rates don't work with sex offenders, said Tony Streveler, supervisor of sex offender programs for the Wisconsin Department of Corrections.

"You don't burn out from it," said Streveler.

In a 1997 study, the federal Bureau of Justice Statistics found that released rapists were more than 10 times as likely as ex-cons charged with other crimes to be rearrested for rape. Convicted sex offenders were 7.5 times as likely as other ex-convicts to be rearrested for sexual assault.

Parole boards treat sex cases gingerly, regularly denying release to infirm 80- and 90-year-olds. And, as states tighten anti-crime laws, sentencing statutes for sex crimes are getting special attention. For these reasons, aging sex offenders form the oldest bloc of prisoners in the country.

One predator's past

In Wisconsin, the case of 94-year-old Ellef J. Ellefson shows that prison time may do little to rehabilitate a sex offender.

Ellefson, currently serving time at Jackson Correctional Institute on charges of sexual assault and sexual assault on a child, arrived in the prison in 1990, when he was 86.

But Ellefson, who declined to be interviewed, has a history of sex convictions dating back to 1937, when he was in his 30s. Records provided by the Wisconsin Department of Corrections illustrate a predatory past.

- In 1937, Ellefson was convicted of indecent liberties with a minor and received six months in Wisconsin's Sawyer County Jail.
- In 1952, he was convicted of improper liberties with the privates of a minor and served indeterminate parole that ended in 1959.
- In 1959, Ellefson was convicted of two counts of sexual perversion and indecent behavior with a child. He received two years in prison and six years of parole supervision.
- In 1981, he was convicted of lewd and lascivious behavior to a minor and received 30 days in jail and two years probation.
- In 1984, he was convicted of one count of first-degree sexual assault and sentenced to 10 years in prison.

Although the names of Ellefson's crimes changed over the years — reflecting an evolution in judicial understanding of the crime —

air of society.

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LETTER FROM THE EDITOR

Ellefson's victims all were children; some were acquaintances, some not, Streveler said.

Forbidden desires

The root of the problem, Streveler said, is that sex offenders feel innate desires for sex outside the realm of societal acceptability. Unlike a purse snatcher or burglar, a sex offender's cravings can't normally be stanchled by imprisonment or counseling.

"Sex drive is one of the most powerful drives we have, and it reinforces itself through pleasure," he said. "It's a lifelong process for many of the people who commit these crimes."

If a young man, say, is sexually attracted to children, the attraction doesn't fade as he ages, Streveler said. Wisconsin just jailed an 82-year-old man convicted with molesting his great-granddaughter, Streveler said.

"A guy doesn't wake up one day at the age of 82 and say, 'I'm kind of attracted to my great-granddaughter,'" Streveler said. "It's a thing that's been going on for a long time. Sometimes, unfortunately, they have acted upon it, but it hasn't been reported."

Aggressive new laws

In recent years, high-profile sex crimes have captured the public's attention, especially the rape and murder of children, such as New Jersey's 7-year-old Megan Kanka and California's 12-year-old Polly Klaas.

As a result, more sex offenders are winding up in prison. In Wisconsin, the population of sex criminals has risen by 132 percent over the past 10 years, Streveler said.

New sexual predator statutes, combined with sex offender notification laws, have pushed cops and prosecutors into more aggressive tactics against criminally deviant sex. And the legal changes have eased victims' fear of going public.

"There's a lot more reporting and a lot more prosecution," said Streveler. "And they're getting slammed. They're getting some time."

The nation's toughest sex laws

Wisconsin might well be the worst place to be for a sex offender.

Four years ago, Wisconsin summarily doubled penalties for sexual offenders and instituted a "two strikes and you're out" law that hands life sentences — at the court's discretion — to repeat offenders.

And for those who don't get life sentences, or who were jailed before the new laws took effect, new civil prosecutions ensure the worst offenders -- including the elderly -- stay off the streets.

In Wisconsin, 10 percent of sex offenders released from prison wind up doing additional time in a mental hospital on a civil charge. Since the state's 1994 sexual predator law took effect, 160 sex offenders



Sex offender Creed Warren, 87, is Kentucky's oldest prisoner

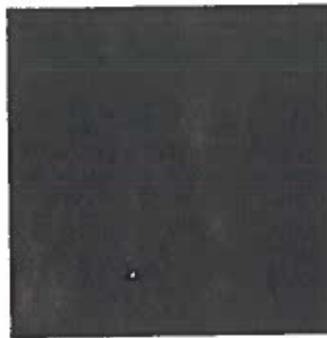
WHY OLD SEX OFFENDERS ARE STILL DANGEROUS

have been released from prison and subsequently sentenced to life in mental hospitals on civil charges.

Ellefson, who will be 100 when his sentence ends in 2006, would be considered for civil prosecution if he lives long enough, said Streveler.

"When you put all these things together," Streveler said, "we're going to be seeing a lot more sex offenders who are going to get old in prison."

Jim Krane is an APBnews.com staff writer (jimk@apbnews.com).



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LOCKED UP the graying of **America's Prisons** an emerging corrections crisis

SHOULD ELDERLY CONVICTS BE KEPT IN PRISON?

Some Say it's Not Worth the Cost; Others Call it Due Justice

April 12, 1999

By Jim Krane

BRIDGETON, N.J. (APBnews.com) — On the outskirts of this time-forgotten coastal town, South Woods State Prison rises above the salt marshes in a symphony of concrete, bulletproof glass and pyramids of razor wire coils.

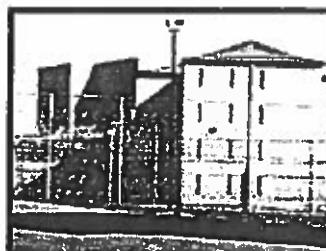
This \$240 million prison, which costs \$200,000 per day to operate, holds some of the state's most infirm inmates. Among them is 80-year-old jewel thief John Seybold. He may not be dangerous anymore, nor much of an escape risk, but Seybold readily acknowledges that he's still a drain on society.

"If I was 40 years old and still out stealing diamonds, that's a different story," said Seybold, whose face and hands are spotted with age. "But I can barely walk. It's not sensible to consider us a risk to the social structure anymore. We're beyond that point."

If Seybold were an average prisoner, his 12 years in prison would have cost taxpayers about \$240,000. But he's an old man who needs expensive medical care -- and gets it from his jailers.

Pulling open his tan prison smock, he shows off the white scar above his left breast where taxpayer-paid surgeons inserted a pacemaker to correct a heart problem. In the outside world, the cost of a pacemaker operation ranges from \$15,000 to \$50,000.

When the jewel thief was serving time in federal prison, doctors gave



Juliann Villalobos
New Jersey's South Woods State Prison



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Video Interviews

Jewel thief John Seybold discusses the quandary of keeping prisoners as old and frail as himself inside prison. "We're generally harmless to

When the jewel thief was serving time in federal prison, doctors gave him a titanium replacement knee in an operation that he said cost \$22,000. In separate operations, doctors also repaired his prostate and aorta.

"It's a real imposition on the taxpayer," he said.



Julian Villalobos

John Seybold, 80, has received numerous operations in prison

Prisons as old-age homes

Seybold's case is far from unique. As prison systems grow, some are metamorphosing into old-age homes providing sophisticated elder care and medical services. Prison nurses now routinely attend to patients in their 80s and 90s, operating dialysis machines, emptying bedpans and helping inmates brush their teeth and get undressed. Some corrections authorities have been forced to build custom facilities for prisoners who've gone blind, deaf or mute.

In Louisiana, Warden Burl Cain keeps watch over 5,100 inmates at Angola prison, 88 percent of whom will never leave. Cain said the practice is a waste of space, lives and tax dollars.

"We've long said prison should be for predators and not old men," Cain said.

If Cain had his way, as many as 200 of his inmates would be released immediately.

"They're getting older and older because nobody gets out," he said. "They just stay here until they die."

Growing old in the joint

Kentucky's oldest prisoner, 87-year-old Creed Warren, waxes lyrical about ending his days inside the joint.

"I know that I've got to leave this world one way or the other," said Warren, a convicted sex offender and former moonshiner housed in the Kentucky State Reformatory.

"I've got to leave it and go to Jesus when he calls me out on the cloud," he said. "If I die here, I'll just die. It won't bother me a bit, not a bit in the world."

In West Virginia, aging murderer James Lee Burkhamer is more realistic.

"I don't think I could make it out there by myself," Burkhamer said by telephone from the Huttonsville Correctional Center.

"I'm 65," said Burkhamer. "It'd be hard to get a job out there. I've got high blood pressure and arthritis. I couldn't do much. I wouldn't want to be a burden upon anybody."

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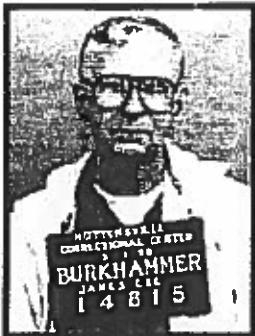
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Sex offender Creed Warren, 87, is Kentucky's oldest prisoner

Cost rises, danger retreats



James Lee
Burkhamer, 64,
has spent 41 years
in prison

As an inmate's age rises, so does the cost of keeping him in prison. The U.S. Justice Department reports the average prisoner costs about \$20,000 a year to house. But the price of housing an elderly inmate can rise many times that much. A 1996 report of the National Criminal Justice Commission (NCJC) reported it cost \$69,000 per year to house geriatric prisoners.

But as the cost of imprisonment rises, the danger to society retreats.

According to the U.S. Parole Commission, age is the single most reliable indicator in predicting recidivism. Within a year of release, inmates between the ages of 18 and 24 have a recidivism rate of 22 percent. For inmates over the age of 43 -- which the parole commission's Tom Kowalski called "the magic burnout date" -- the rate drops to 2 percent.

Special parole for the elderly?

In the face of such statistics, many corrections analysts believe penning the elderly in expensive prison cells may serve as punishment for a crime, but doesn't give society much payback in public safety. Many are calling for parole of the elderly.

"It doesn't make sense in terms of crime control. If someone committed armed robbery at 30, he's not terribly likely to commit armed robbery at 60 if you let him out of prison," said Marc Mauer, assistant director of the Sentencing Project, a group advocating alternative sentences.

Some go further. At George Washington University's Project for Older Prisoners, coordinator Ann Burdick has successfully lobbied for the release of more than 200 infirm, well-behaved older prisoners who've admitted guilt for their crimes.

"We think they're more of a burden on society by being incarcerated than a threat to society if they're outside," said Burdick.

Not one prisoner represented by Burdick's group has returned to commit a crime, she said.

"And we want to keep it that way," she said.

'Prison is punishment'

There is another side to the debate, of course. Many tough sentencing advocates believe convicted felons belong in prison because they require punishment, regardless of their health or age.

For Louisiana Gov. Mike Foster, who has yet to grant paroles to any of the state's life-without-parole inmates, a lifetime behind bars is a proper penalty for a heinous crime.

"Gov. Foster falls into the 'just desserts' category," said Cheney Joseph, Foster's legal counsel. "He does believe that prison is punishment. You have to impose a penalty that's just and punishes."

someone for what they've done."

Prison-building boom

Many states have addressed the long-term implications of such tough sentencing policies with an unprecedented prison-building boom. Texas, for example, has added almost 100,000 beds, tripling its capacity.

"We called it the greatest construction project since the pyramids," said Glen Castlebury of the Texas Department of Criminal Justice (TDCJ). He said the average prisoner's age is creeping up by six months a year. Currently it's 33. In a decade, the average jailed Texan will be 38.

In 30 years, Castlebury conceded, some Texas prisons will resemble nursing homes.

California is headed down the same road. There, the Department of Corrections is involved in the largest building program in the country — worth \$5.3 billion — to keep up with an inmate population that more than doubled in 10 years, reaching almost 160,000 last year.

In Ohio, a corrections report estimated that its 1997 population of 3,000 older inmates would grow 50 percent over the next two decades. Now, growth is ahead of that pace. The report called for construction of a second prison for the elderly and new elder "pods" at existing institutions.

Death as the only way out

Meanwhile, thousands of inmates across the country already must face the fact that they'll grow old and die in prison.

With the average inmate's age now in the mid-30s, many prisoners locked up in the late '80s and early '90s won't emerge until they're 60 or 70 years old.

"Under the new laws, there's no compassionate grounds for release, even for the very ill," said Herbert Rosefield, assistant director for health services in North Carolina's Division of Prisons.

"I'm still hopeful, but the way it looks now, I can't see no out," said Virgil Lee Evans, an 85-year-old murderer serving his 27th year of a life sentence in Michigan. Evans' next parole hearing won't come until 2003, when he's 89. "That's telling me that they want me to die in prison," he said.

Jim Krane is an APBnews.com staff writer (jimk@apbnews.com).

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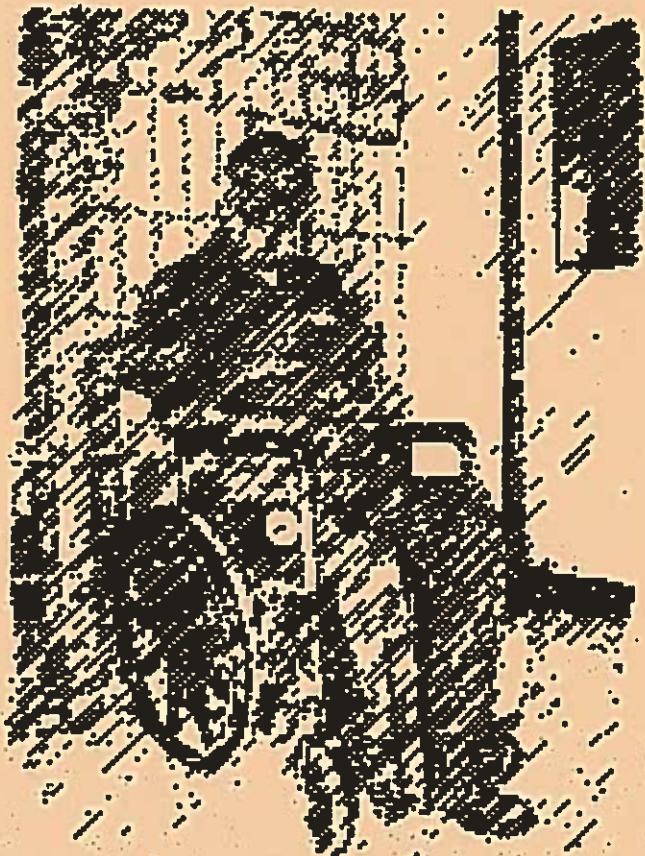
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SLC Special Series Report

The Aging Inmate Population

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Prepared by
Todd Edwards, Regional Representative
Southern Legislative Conference
of The Council of State Governments





INTRODUCTION

Today, many states' correctional systems are finding it difficult to deal with the burden of overcrowded and outdated prison facilities. Recent laws aimed at getting tough on crime — including longer, minimum, mandatory, two- and three-strikes sentencing; parole abolition; and truth-in-sentencing — will most likely continue to place a tremendous strain on correctional budgets and states' abilities to house increasing prison populations.

Though sentences and parole used to be influenced by such issues as the inmate's record in prison, crowding, remorse and sometimes an inmate's religious conversion, there has been increasing public pressure to get tougher on criminals. In addition, demographic shifts such as longer life expectancy and the graying of the inmate population soon will pose unique challenges to states in this area.

While the proportion of older prisoners in state prisons has risen only slightly in recent years, their numbers have jumped substantially over the past decade, both in absolute terms and as a proportion of states' entire prison populations. If current trends continue, the increased costs of housing and caring for elderly offenders will represent a substantial portion of most corrections departments' budgets in the near

future. Unfortunately, the body of knowledge regarding elderly inmates and the challenges posed to correctional systems in meeting their special needs is not extensive.

This SLC Special Series Report examines the growth of this prison population in the South, illustrates several relevant issues and challenges confronting southern states and reviews the facilities, programs and policies which states have implemented to address the needs of older and/or geriatric inmates. The report also reflects what corrections officials in the South feel are their most pressing concerns facing their correctional systems in responding to the growth of this aging population. Information was compiled both through existing research and polling the 16 Southern Legislative Conference (SLC) member states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Although the focus is on older inmates, the challenges surrounding their care are similar to those faced by caring for the physically disabled, infirm, those living with HIV-AIDS or terminal illnesses, and those having debilitating mental or physical impairments. Though all of these

populations differ on the care they require, they do have many special needs in common which can be met simultaneously, and which are addressed in this report.

With a predicted rise of offenders who are older, sicker and serving longer sentences, coupled with institutions' stretched resources, many believe our corrections departments are facing an inevitable crisis. Such a predicament can be avoided if policymakers and corrections officials are alerted to the increase in the geriatric prison population and the unique challenges facing correctional systems in meeting their projected needs. Correctional policy can then be shaped to account for those needs more effectively and efficiently.

AGING INMATES

Elderly Inmates on the Increase

Historically, due to the small and stable size of the aged inmate population, little thought was given by policymakers to this issue. However, trends are showing a dramatic increase in the number of elderly prisoners over the past decade. Corrections practitioners have been warned since the early 1980s that as the number of elderly people in America's general population increased, so too would the number of elderly inmates. The "graying" of America, due to the maturing of baby-boomers, affects many aspects of our government and social system.

Experts argue that the growth in the older prison population is not due to an elderly crime wave. According to the United States Department of Justice, the trend is more a result of recent "three strikes" and truth-in-sentencing laws. At the same time that more prisoners are being introduced into our states' correctional

systems, both older and younger, they are spending more time there.

Though many states have taken precautionary measures to address this trend, some have found that the increase in the geriatric inmate population has been far greater than anticipated. For example, in June 1987, Florida had 1,350 inmates who were 50 years of age or older in the state's prison system. That same year, corrections officials estimated that number would increase to 3,094 by the year 2000.¹ By 1997, Florida already had 3,985 such inmates, a 195 percent increase in a decade and already exceeding the 2000 projection.

According to various statistics, in the 16 SLC member states, the number of inmates 50 years of age and older has increased from 4,490 to 26,404, or 480 percent, between 1985 and 1997. North Carolina experienced the greatest increase with 1,140 percent, and Arkansas experienced the least with 48 percent. During this same time, total inmate population increased only 147 percent among SLC states.² In the 1990s, this increase has been less pronounced, but still significant. Between 1991 and 1997, inmates aged 50 and over have increased 115.12 percent in SLC member states while total inmate populations increased 83.69 percent.³ Joann Morton, professor of criminal justice at the University of South Carolina, has stated that "we are setting ourselves up for a tremendous glut of elderly prisoners. It is not yet a crisis, but it will be."⁴

The total inmate populations in southern state institutions, as well as inmates 50 years of age and older between 1991 and 1997, are listed in *Table I*.

Table I
How Southern States Compare ^

State	Total in institutions ^b	Inmates age 50 and over	Percent age 50 and over	Total in institutions	Inmates age 50 and over	Percent age 50 and over	% increase of inmates in institutions	% increase of inmates age 50 and over
	1991	1991	1991	1997	1997	1997	1991-97	1991-97
Alabama	13,142	736	5.60%	21,761	1,223	5.62%	65.58%	66.17%
Arkansas	6,533	71	1.09%	10,221	563	5.51%	56.45%	692.96%
Florida	43,920	2,098	4.78%	63,763	3,985	6.25%	45.18%	89.94%
Georgia	22,302	1,107	4.96%	36,972	2,082	5.63%	65.78%	88.08%
Kentucky	7,705	532	6.90%	12,910	936	7.25%	67.55%	75.94%
Louisiana	13,849	NA	0.00%	26,779	1,356	5.06%	93.36%	NA
Maryland	16,899	663	3.92%	22,109	869	3.93%	30.83%	31.07%
Mississippi	6,724	201	2.99%	14,032	730	5.20%	108.69%	263.18%
Missouri	14,946	618	4.13%	22,025	1,189	5.40%	47.36%	82.39%
North Carolina	18,605	853	4.58%	31,764	1,451	4.57%	70.73%	70.11%
Oklahoma	10,502	707	6.73%	20,316	1,430	7.04%	93.45%	102.26%
South Carolina	15,529	741	4.77%	20,604	901	4.37%	32.68%	21.59%
Tennessee	8,380	619	7.39%	18,795	1,116	5.94%	124.82%	80.29%
Texas	49,316	2,153	4.37%	132,394	7,923	5.98%	168.46%	268.00%
Virginia	14,507	851	5.87%	28,408	1,411	4.97%	95.82%	85.80%
West Virginia	1,504	157	10.44%	2,755	235	8.53%	83.18%	49.68%
Total / Total %	264,363	12,107	4.83% ^c	485,608	27,400	5.64%	83.69%	115.12% ^c

Notes:

^a It is important to note that some discrepancies occur when cross referencing data from any two sources' prison statistics, especially over an extended period of time. Thus, the *Corrections Yearbook* was utilized for obtaining data. However, the SLC could not obtain this publication for years preceding 1991. Other sources, at time of print, were either not available, out of print, or utilized different categorizations for listing the age of inmates. Therefore, *Table I* should be used only as indicative of overall, recent trends in the growth of this population.

^b Total in Institutions includes state and federal inmates, age 50 and over, confined in prisons, out in other programs/facilities/agencies, and waiting in jails for prison admission.

^c Percentage was calculated excluding the prison population for inmates, age 50 and over, from Louisiana which had no data for 1991.

Source:

The 1991 and 1997 *Corrections Yearbook*, Criminal Justice Institute. Figures as of January 1, 1991 and 1997, respectively. Source received its information from surveying each state's corrections department.

To provide a national perspective, according to the Criminal Justice Institute, from 1990 to 1997, the percent of the nation's prison population age 50 and over increased from 4.9 percent to 6.8 percent. That organization also reported that in 1997:

- ▶ there were more than 73,543 inmates age 50 and older in U.S. correctional facilities as of January 1, 1997;
- ▶ Texas incarcerated the greatest number of inmates age 50 and over (7,923), followed by California (7,420);
- ▶ the Federal Bureau of Prisons incarcerated 11,271 inmates (10.7 percent) who were age 50 or older;

- ▶ the percentage of the total inmate population age 50 or older was largest in Maine (20. percent of total inmates); and
- ▶ the smallest percentage of the total inmate population age 50 or older was in Connecticut (3.2 percent).

The New York Times reported that in 1989, the nation's prisons held 30,500 inmates age 50 or older and by 1993, that number had risen to almost 50,500. The American Correctional Association predicts that this elderly inmate population will reach 125,000 by the year 2000, with 50,000 of those prisoners older than 65. While these numbers may or may not seem alarming, their rise should certainly draw attention.

The Challenges Involved

It is important to understand the implications associated with the increase in this older prison population. Primarily because federal law mandates that states provide adequate health care to all inmates,⁵ many corrections departments are concerned about providing this care effectively and efficiently. Of interest is a study completed by California's Center on Juvenile and Criminal Justice which found that the total cost of incarcerating younger inmates averages \$21,000 yearly, while the cost of incarcerating inmates over 60 averages \$60,000, mainly due to their health care needs. Studies completed by the Project for Older Prisoners and *Newsweek* magazine have reported similar findings. Regrettably, due to the difficulty obtaining age breakdown data across the states for health care, other services or overall incarceration costs, this report does not include such figures.

Health Care

According to Harold Hodgkinson, director of the Center for Demographic Policy, in a 1997 publication of the National Commission on Correctional Health Care, "age is one of the biggest issues which will continue to impact corrections and correctional health care." Hodgkinson stated that, as more prisoners with non-commutable sentences are housed in the nation's prisons, "correctional health care is going to have to move toward a geriatric specialization." He sees issues such as cancer scans, life support and chronic care for those affected by heart disease, cancer, emphysema and stroke becoming increasingly important.⁶

In a paper presented to the Virginia Department of Corrections, Jonathan Turley, director of the Project for Older Prisoners, noted that "the greatest single contributor to the high costs of older inmates is medical expenditures. On

average, inmates over 55 w⁷" suffer three chronic illnesses while incarcerated." Echoing this, the American Medical Association in its "White Paper on Elderly Health," noted that "the health care problems of the elderly include a higher incidence of disease, increased prevalence of chronic illness and significant functional disability."⁸

"While states may be facing inevitable costs for treating elderly inmates," according to Michael Dallaire, executive director for Correctional Health Care Consultants, "there are ways to mitigate those costs." Dallaire said states are devising managed care systems for all inmates, which in effect puts them in a statewide HMO or PPO. Proponents of managed care argue that it promotes fixed budgets, which in the face of strong demand for services encourages decisions designed to allocate health care resources efficiently.

In addition, as the elderly inmate population grows, state policymakers may continue to look at privatization as a way to reduce costs and provide health care. In the South, almost all state corrections departments contract out some portion of their health services. Alabama, Georgia, North Carolina and Virginia have privatized all prison health care.⁹

Though the privatization of correctional health services appears to offer potential savings, states' experiences with privatization have not been universally positive. Because of this, many argue that states may wish to experiment with privatization on a regional rather than state-wide level to see if efficiency is gained.

One difficulty for policymakers and corrections officials is adequately classifying what consti-

tutes an elderly inmate. Even noted gerontologists do not agree on a specific chronological age as a benchmark for studying the elderly. Some researchers define "elderly" as 65 years of age and older, while others suggest using 60 years, while others have reported 55 years or 50 years of age or older as an appropriate definition. For the purpose of this report, the lower consensus age of 50 years and older has been used. Though this may seem younger than what many people would classify as an elderly individual, an inmate's chronological age of 50 may be deceiving at times.

Inmates as a population traditionally have medical and social histories that put them more at risk for illness and disease than their non-inmate peers. For example, many inmates have substantial health needs and engage in a number of risky health behaviors. Statistically, they have higher rates of HIV-AIDS, sexually transmitted diseases, tuberculosis and other infectious diseases than the population at-large. Lifestyle choices such as widespread tobacco use, extensive drug and alcohol use, and high-risk sexual behavior contribute to their greater need for health services. In a keynote speech at the 20th *National Conference on Correctional Health Care*, B. Jaye Anno, Ph.D., cited one researcher, using health hazard appraisals, who found that "an inmate's appraised age averaged 11.5 years more than their chronological age due to these and other factors."

Although the rising cost of providing adequate health care is seen by most of southern states' correctional departments surveyed for this report as the biggest challenge in meeting the needs of an aging inmate population, it is by no means the only concern of administrators. Depression, work assignments, co-payments, nutritional requirements, vulnerability to victimization, the provision of adequately trained staff

to care for these inmates, housing, social and recreational activities, facility accessibility, and the diversity of this population can, and often do, pose serious challenges as well.

Depression

Studies have shown that elderly inmates are proportionately far more likely to experience serious depression than the general inmate population. According to author M.W. Gillespie, "the physical, intellectual and emotional deterioration brought on by long confinement can create bitterness and resentment among older inmates, and they may become pessimistic about their present and future status as time passes."⁹ Also, because they are more likely to experience the death of friends and family, some argue that they are in greater need of loss counseling.

Author Judy C. Anderson states that "aging and the resulting medical difficulties serve as constant reminders of the frailty of life making many elderly inmates appear to have greater psychological and emotional characteristics which means they may experience adjustment problems."¹⁰ Some suggest that depression should be treated with drugs and support of friends, however, author Larry W. Thompson believes the success of drug treatment is limited by the physiological processes of aging. Thompson states that behavior therapy and cognitive therapy have been shown to work better than support.

One other factor which should be taken into consideration is that release planning — helping elderly inmates find jobs outside of prison once they are released — can be extremely difficult for elderly inmates because many of them may be unable to hold full-time jobs, which often is a stipulation of parole or probation. That point, however, may be moot. Often, when individuals

live to be elderly or infirm behind bars, many of them find it difficult to survive in the outside population due to their inability to work, or to sustain themselves outside of prison. Nonetheless, states may wish to offer reentry planning which includes referrals to long-term care, assisted-living and eligibility counseling for Medicaid and Social Security.

Work Assignments

Suitable assignment of jobs or tasks to older prisoners also can pose challenges to corrections officials. Almost all corrections departments require inmates to perform some sort of work activity during their incarceration. Additionally, an issue which has recently surfaced, and which many state legislatures are considering, is requiring inmates to pay for their room and board. This is commonly referred to as per-diem (in county/city facilities) or subsistence charges. Legislators in Kentucky, Tennessee, and Texas, among other SLC states, currently are considering requiring these charges, and there are a number of states already employing such reimbursement practices.

Offender retribution is not a new idea in corrections. As systems struggle with dramatic increases in inmate populations — coupled with shrinking resources — some states have implemented programs requiring inmates to work to help pay for their room and board, education and health care.

Co-payments

Another example of inmate retribution is co-payment for health care services. This method, utilized by many states' corrections departments, attempts to reduce health care costs and is similar to subsistence charges in that institutions require inmates to pay a certain percentage of the cost of utilizing health care services. The rationale behind implementing a charge for

health services is the concern that many inmates abuse the system and visit sick call when they really do not need to be seen.

Studies have found that health service utilization rates in corrections facilities average 5 to 6 times higher than community utilization rates, with male inmates averaging about 20 visits per year and female inmates averaging about 24 visits per year. Some argue that the correctional environment, system-mandated visits, inefficiencies in the health delivery system, many inmates' high-risk behavior, and other factors all contribute to this higher rate. Nonetheless, many proponents of co-payments believe these charges not only help reduce the rising cost of correctional health care, but also act as a deterrent, keeping inmates from over-utilizing health care services and saving staff time.¹¹

Gary Crutchfield, assistant superintendent of programs with the North Carolina Department of Corrections, agrees, stating that due to the state's new inmate co-pay policy, "requests from our medical department have been dramatically reduced, saving both big dollars and staff time." If policies such as these are adopted, thought must then be given to what sort of work assignments elderly inmates can adequately perform given both their physical and mental condition. In many cases, subsistence or co-payment charges may have to be waived for indigent and geriatric inmates due to their physical inability to work and their need for more frequent, and potentially more costly, medical services. At one point, it was possible to bill these inmates through their Social Security benefits; however, the Social Security Amendments of 1983 changed the Social Security Act, suspending benefits to convicted felons while they are incarcerated.

Nutrition

The nutritional requirements of the elderly inmate differ from those of the general prison population. As people age, their nutrition requirements change. For example, their bodies contain less muscle tissue, need less protein and require fewer calories due to a more sedentary lifestyle. Vitamins and minerals continue to play an important role in maintaining health status, and their intake must be monitored closely, especially since many medications used by the elderly often decrease vitamin and mineral absorption and stores.¹²

In addition, older persons may need special diets and may require a longer time for eating. This being the case, corrections officials may wish to provide separate diets and eating plans in order to best maintain their health, thus helping to avoid illnesses which may prove more detrimental to their well-being and far more costly in the long-run.

Victimization

It is argued that the risk of being victimized by other inmates increases as the age of the inmate increases. As stated by author Gennaro F. Vito, "while elderly inmates do not typically represent a security risk, providing for their physical security is important to them and protecting them from younger, stronger predators presents a vexing problem for correction administrators."¹³ States may wish to segregate older inmates in a correctional nursing home or on a different wing, unit or floor from the general prison population to protect them from victimization. Avoiding these risks also reduces a state's liability, since federal lawsuits dating back to the 1960s have forced many states to separate their weaker inmate populations.

Staff

Another challenge facing correctional institutions is the lack of professionally trained prison staff to handle elderly inmates' special needs. As one prison official confessed, "I know how to run prisons, not old-age homes."¹⁴ Moreover, not everyone who works in a correctional environment may have the aptitude or essential skills needed to manage elderly people.

As Ronald Aday, gerontology program director at Middle Tennessee State University, has suggested, "careful selection for sensitivity to the unique requirements of geriatric inmates should be an important consideration. Training, involving administrative personnel, line security staff and health providers should include an increased knowledge of growing old and how this knowledge specifically affects the elderly in a prison environment." Aday also believes prison staff need to be specifically trained to understand the social and emotional needs of the elderly, dynamics of death and dying, procedures for identifying depression, and a system for referring older inmates to experts in the community.¹⁵

Others have stressed the need for enhancing staff packages for those working with elderly inmates, including recognition that workload standards need to be adjusted for the increased time and attention these inmates require.

Housing and Centralized Facilities

Almost all state correctional institutions existing today were created to meet the needs of the young, healthy and potentially aggressive inmate population. In many instances, the facilities do not meet the mobility or accessibility needs basic to elderly or disabled inmates. Some argue that accommodating inmates' disabilities unduly complicates prison administration and that the Americans With Disabilities Act (ADA) of 1990

does not mean to protect state prison inmates, and impinges on a state's historic sovereign function of state prison management. In partially rejecting that argument, the United States Supreme Court, in *Pennsylvania v. Yeskey*, No. 97-634, June 15, 1998, ruled that "the statute's [ADA] language unmistakably includes state prisons and prisoners within its coverage." In writing the Court's opinion, Justice Antonin Scalia — in noting that Congress referred in general terms to barring discrimination in the services, programs or activities run by public agencies — ruled that the law's text "provides no basis for distinguishing the programs, services and activities from those provided by public entities that are not prisons."¹⁶

Though this decision left no doubt about the Court's interpretation of the Act, it may not end the debate over the statute's application to the states. California has been litigating a separate, constitutionally-based challenge to the law's application to state prisons, arguing that Congress lacked the authority to extend the law to the states. At the time of print, the Supreme Court was expected to announce whether they would hear *Wilson v. Armstrong*, No. 97-686, which California lost in lower federal courts. Both of these decisions are likely to have tremendous cost implications for states if their corrections departments must now be in full compliance with the ADA. Of note, the Rehabilitation Act of 1973 has barred discrimination on the basis of disability against inmates in federal prisons for 25 years.

Currently, if special housing does exist, physical and/or mental ability, not age, is generally used by correctional departments in determining where older inmates are housed. Specialists in this area have advocated modifying existing institutions to assure the equitable treatment of the old along with the young, such as upgrading

facilities to include universal access as may be required by the ADA. Many also have suggested establishing special geriatric units for older inmates requiring special care. "These units should include non-medical geriatric housing for elderly inmates assigned on a voluntary basis or earned privilege, as well as full-fledged geriatric medical units providing 24-hour nursing and medical care, pharmacy services, special diets, and supportive environments for inmates with severe medical, mental or special needs problems."¹⁷

Many southern states maintain special facilities or medical units for inmates requiring extensive care. This is primarily done to centralize otherwise duplicative health care and other services these inmates may require, to minimize transportation costs during this process, and to protect the elderly from victimization. Also, because staff salaries and benefits make up the greatest portion of health services expenditures, consolidation, thus reducing or containing personnel costs needed, may be a key means of reducing increases in the health care budget. Consolidating the delivery of health services is an issue many corrections departments may consider in the near future.

Edward Harrison, president of the National Commission on Correctional Health Care, has noted that such a facility will help keep costs down in the long-run. "Without this special attention, patients are more likely to continue to be sick, get sicker or require intensive care," he said. "And this outweighs the costs of these facilities."

When asked during the compilation of this report, one corrections administrator noted that "the present modality of 'warehousing' these individuals with minimal program or activity support(s) simply intensifies day-to-day r

ment concerns." He believed this "significantly contributes to the general decline in the individual which, in turn, escalates the daily cost-of-care, institutional and health care."

According to Larry Linton, Alabama state administrator for Correctional Medical Services, the Aged and Infirm (A&I) Unit at Hamilton saves the State money. A health care provider screens all entering prisoners for infectious conditions and provides annual tuberculosis tests for all inmates. "Because Hamilton A&I is very aggressive with disease control and providing treatment for chronic care... it prevents these diseases from becoming even more costly," Linton stated. As an example, he noted, "if a cardiac problem is neglected, it can cause a heart attack. The prisoner then has to go out to "free world" hospitals for treatment because Alabama does not have the cardiac equipment and surgical facility necessary. When this happens, the taxpayer has to pick up the tab for the hospitalization."

In Alabama and most other states, corrections departments first determine which inmates require special treatment through screening, then assign them to facilities or programs appropriately. The policies of the State of South Carolina provide an example of the process of determining whether or not an individual should be referred to a special needs, centralized facility.

First, the South Carolina Department of Corrections established the definition of handicapped status to include inmates with physical or intellectual impairment which substantially limits their abilities to function independently in the general prison population. Inmates classified as handicapped must suffer limitations from at least two of the following

areas: self care; self direction; vision, hearing or speech impairment; capacity for learning; social and emotional adjustment; mobility; chronic medical problems; acute medical problems; and, a need for close medical supervision;

Second, handicapped inmates are mainstreamed as long as they can function in the general population. They are transferred to the special unit only at the point that they can no longer cope with the normal prison environment;

Third, all inmates work within their medical limitations. Inmates 65 or older can retire; however, earned work credits, which offer a way to reduce time from an inmate's sentence, are available only to those who have jobs; and

Finally, a handicapped unit has been established to house disabled inmates with greater security needs.¹⁸

As noted, many argue that such policies and facilities not only serve to meet the special needs of elderly or infirm inmates; they also reduce costs in the long-run and allow other facilities to concentrate on housing more hard-core or predatory inmates. For example, during a 1991 interview with *The New York Times*, and responding to this report, officials with the Louisiana Department of Public Safety and Corrections noted that by providing separate facilities for older inmates, their state can free up beds at the Angola State Penitentiary needed for younger criminals who are more of a threat.

The Invisible Victims

by Daniel D. Sorenson

People with developmental and other severe disabilities suffer violent crime at an alarming rate. Yet there is very little written or, more importantly, done about it. This is not an abstract problem of trends and statistics, but a brutal reality in the lives of the human beings who are victims of these crimes.

Five women whom I knew, all with intellectual disabilities and in their late 20s and early 30s, lived in a licensed, small family home in a rural town. They were solid citizens, dependable, productive workers, and kind, considerate human beings. And they were all systematically and repeatedly raped and terrorized by the owner of the facility over a 5-year period. When one of these women finally found the courage and opportunity to report these crimes, the District Attorney (DA) refused to prosecute. It was only after the licensing authority secured the testimony of the other women and took the matter to a licensing revocation hearing that the DA agreed to prosecute.

A happy, well-adjusted, shy man in his 30s lived in a small family home. I met with him on occasion and got to know him. He loved taking long walks through the countryside. He had an intellectual disability and limited physical dexterity. He often complained that the woman whose house he lived in did not feed him enough and that she was always trying to save money on the food bill. He died from mushroom poisoning when the care provider collected and served wild mushrooms to him for dinner, apparently to save money. No arrest was made.

A friend of mine told me of a woman with a major mental disorder who lived alone in her own apartment. Her condition worsened until she was unable to care for or protect herself. First one man then others noticed her vulnerability and forced their way into her apartment and raped her. No arrests were made in this case.

The stories of crime victims with developmental and other severe disabilities are powerful and usually do not end with the arrest or prosecution of perpetrators. But are they isolated events, a "fair share" of violent crime reported so widely in our society, or are they part of a pattern of substantially higher rates of violent crime against a more vulnerable population?

In study after study, rates of violent crime against people with developmental or other severe disabilities are found to be 4 to 10 or more times higher than the rate against the general population. The rate of sexual assault is particularly chilling. One study found that 83% of women and 32% of men with developmental disabilities in their sample had been sexually assaulted (Hard, 1986). Other studies have found from 86% to 91% of women in their samples had been sexually assaulted. Another study found that of those who were sexually assaulted, 50% had been assaulted 10 or more times (Sobsey & Doe, 1991). These rates compare with 13% for sexual assault for women in the general population.

These dramatically higher rates of sexual assault are consistent with the experience of a clinical psychologist who treats victims with developmental disabilities. She reports that she must not only help the victim deal with the latest sexual assault, but must also help her become better able to deal with the probability of future assault. And it is not just sexual assault that occurs more frequently. Another study found that people with intellectual disabilities were robbed 12.8 times more often than people

(Sorenson, continued on page 26)



If individuals with disabilities such as Richard Lapointe became involved with the justice system, questions often arise about the system's ability to treat them justly. See story on page 16.

From the Editors

When persons with developmental disabilities become victims of crimes or are accused of committing crimes, they face a legal system that is often unprepared to take into consideration their unique needs. As a result, questions of fairness and equal access have been raised in a number of cases. This issue of IMPACT represents the growing collaboration between the justice system or the disabilities field in seeking to address those questions and ensure that rights are protected and reasonable accommodations are made.

What's Inside

Overview of Issues
Strategies & Profiles
Resources

 The College of Education & Human Development
UNIVERSITY OF MINNESOTA

The ADA in the Justice System

by Frank Laski and Kirsten Keefe

The Americans with Disabilities Act (ADA) – the most comprehensive civil rights law ever enacted – has made substantial impacts upon every aspect of our social processes. Yet, seven years after enactment, its effective application to our justice system remains in doubt. It is clear that Congress intended to ensure equal protection under the law for individuals with disabilities by removing barriers that prevent their effective participation in all aspects of citizenship, including the justice system. Title II, Part A of the ADA states that "no otherwise qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the benefits of the services, programs or activities of a public entity, or subjected to discrimination by any such entity." "Public entity" encompasses all police, probation and law enforcement agencies; correctional facilities; and state and local court systems. Yet, many questions relating to accommodating people with mental and physical disabilities have yet to be answered.

The following briefly discusses the current application of the ADA in the justice system to prevent discrimination against people with disabilities.

Law Enforcement Agencies

The ADA provision calling for "reasonable accommodation" has been interpreted by the Congress and U.S. Department of Justice to require training for police so that they recognize disabilities, respond appropriately, and provide services to persons with disabilities in a non-discriminatory manner. Examples of police officers mistaking individuals with disabilities to be public offenders abound. In *Jackson v. Inhabitants of the Town of Sanford* (1994) a police officer mistakenly perceived Roland Jackson to be operating a motor vehicle while under the influence of alcohol or drugs. In fact, Jackson suffered physical disabilities as a result of a stroke. He asserted the Town violated the ADA by failing to properly train its police officers regarding disabilities. The court allowed Jackson to sue for unlawful arrest, use of excessive force, and unlawful detention.

In a recent Pennsylvania case, two police officers threw to the ground and handcuffed John Washington in front of his house, mistakenly thinking him to be a "peeping Tom." Washington is an 18-year-old young man who has autism and lives with his mother. He frequently walks back and forth on the sidewalk outside their home. As a result of his encounter with the police, Washington suffered a separated shoulder and was traumatized by the incident. It was apparent from the court testimony that neither of the two officers properly identified Washington as an individual with a disability, even after they were in close contact with him. Both officers described John's conduct by using terms such as "not normal," "odd," "very strange," and "peculiar," highlighting the fact that if properly trained, the officers would have been likely to recognize him as an individual with a disability.

Congressional reports indicate that Congress contemplated and recognized that the ADA requires police training. The Jackson Court quoted the House Judiciary Committee, which stated:

In order to comply with the non-discrimination mandate, it is often necessary to provide training to public employees about disabilities. For example, persons who have epilepsy, and a variety of other disabilities, are frequently inappropriately arrested and jailed because police officers have not received proper training in the recognition of and aid of seizures. Such discriminatory treatment based on disability can be avoided by proper training (H.R. Rep. No. 101-485(III), 1990).

During Congressional debates on the ADA, representatives explicitly stated that "it is not rare for persons with disabilities to be mistreated by the police." Furthermore, it was acknowledged that mistreatment may be due to "persistent myths and stereotypes" regarding

Congress intended to ensure equal protection under the law for individuals with disabilities by removing barriers that prevent their effective participation in all aspects of citizenship.

people with disabilities, as well as "due to mistaken conclusions drawn by the police officer witnessing a disabled person's behavior."

The court in *Sanford* found that Jackson's situation was of the kind anticipated by Congress when it passed the ADA. Likewise, John Washington's behavior, typical of an individual with autism, was of the kind Congress intended to protect. The House stated that these mistakes are "avoidable and should be considered illegal under the Americans with Disabilities Act." Moreover, the House stated such mistakes "constitute discrimination, as surely as forbidding entrance to a store or restaurant is discrimination."

As a matter of public policy, police officers should be trained to recognize when someone has a disability and how to address, communicate with, and work with individuals with disabilities. A special component can be added to

the training police officers receive prior to certification and as part of their in-service training. Any administrative or fiscal inconveniences to the department are insignificant compared to the consequences when civil rights are abridged.

Detention and Correctional Facilities

Congress expressly stated that the ADA covers state governments and "any" or "all" of the operations therein. Some courts have found this language clear and have applied the ADA to prison facilities in certain circumstances; other courts, however, reject this view and refuse to apply the ADA to correctional facilities absent more specific language (Robbins, 1996).

Generally, courts have held that Title I of the ADA, the provision covering employment rights, is inapplicable to incarcerated persons in the prison setting. The reasoning is that other federal employment statutes, such as Title VII and the National Labor Relations Act, do not apply to prison inmates.

However, more often than not, courts have found that Title II of the ADA, the provision covering public accommodations, does apply to prison settings. In *Inmates of the Allegheny County Jail v. Wecht* (1983) the Third Circuit Court of Appeals found that a consent decree that excluded mentally ill inmates with past histories of violence from services provided to other inmates violated Section 504 of the Rehabilitation Act and the ADA. More recently, the Ninth Circuit held that a hearing impaired inmate had a legal right under the ADA to a qualified interpreter (*Duffy v. Riveland*, 1996). Several district courts have agreed with these decisions. The Seventh Circuit District Court has consistently held that an outright refusal by a prison to accommodate an individual covered under ADA is a violation of that individual's rights (*Love v. McBride*, 1995). The Eleventh Circuit required city jail cells to be readily accessible for prisoners with disabilities (*Outlaw v. City of Dothan*, 1993). The Fourth Circuit, however, held that state officials could claim

qualified immunity from suit under the ADA and the Rehabilitation Act on the grounds that they should not have expected the Act to apply to prison inmates (*Torcasio v. Murray*, 1995). Likewise, the Indiana District Court held that the ADA does not apply to state prisons, denying a legally blind prisoner's petition to be accommodated so that he could gain access to services available to other prisoners (*Crawford v. Indiana Department of Corrections*, 1996). The court reasoned that applying the ADA to state prisons, "a core state function," would disturb the balance of power between the states and the federal government. Congress must therefore be "unmistakably clear" and "manifest" if it wants to make the ADA applicable to state prisons. The Ninth Circuit found that the ADA does not apply to state prisons when a prison regulation impinges on inmates' constitutional rights if that regulation is reasonably related to legitimate penological interest (*Fowler v. Gomez*, 1995). Even in the face of clear constitutional violations courts have traditionally taken a "hands off" approach to prison administration.

In time, it should become clear that Title II of the ADA applies to detention and correctional facilities. Prisons must take at least minimal steps to provide accommodations for inmates with disabilities. Physical barriers should be removed to allow all inmates equal access to facilities and services, especially the most basic of services such as shower and bathroom facilities. Educational, vocational, and rehabilitation programs need to be redesigned to ensure equal access to all people. Regulations which are not in compliance with the ADA because they are "reasonably related to legitimate penological interests" must still be scrutinized so that they provide equal protection for all inmates.

The Court System

Courts are required, under the ADA, to meet the accessibility needs of all individuals with disabilities, including judges, employees, lawyers, plaintiffs,

victims, defendants, witnesses, jurors, and observers. Courts must be readily accessible to and usable by the general population. In addition, courts must make specific reasonable accommodations for individuals with disabilities when requested.

Removing physical barriers, or making buildings "facility accessible," is an important first step towards ADA compliance. Architectural barriers must be removed to allow individuals who use wheelchairs full access to the courts. Equipment may be redesigned or added, such as furnishing telecommunications devices for individuals who are deaf. Additional steps may be taken, such as providing personal assistants or scheduling hearings at more accessible sites. Furthermore, courts must provide aids and services to facilitate understanding and communication for all persons. The individual with the disability has the right to request the type of accommodation they prefer. The court is obligated to provide such accommodation unless it can show that an alternative, equally effective means of communication is available. Courts are excused from providing an accommodation only when it will fundamentally alter the activity or structure, or when it presents an undue financial burden (*Land & Water* 1994).

Regarding jury service and persons with disabilities, exclusion of potential jurors based on a disability, primarily through the use of the peremptory challenge, is a violation of the ADA absent a compelling state interest. In *Batson v. Kentucky* (1986), the Supreme Court stated that "competence to serve as a juror ultimately depends on an assessment of individual qualifications and ability impartially to consider evidence presented at a trial." In *People v. Guzman* (1990) the New York Court of Appeals found a person who was hearing impaired competent to "understand all of the evidence presented, evaluate that evidence in a rational manner, communicate effectively with the other jurors during deliberations, and comprehend the applicable legal principles, as

[Laski, continued on page 26]

ABA Mental Health Standards: The Impact on Persons with Developmental Disabilities

by B.J. George

The American Bar Association's (ABA) *Standards for Criminal Justice* have been adopted and revised over the past two decades as guides for courts, legislators, and rule-makers in modernizing criminal procedure and evidence. The impact of the standards has been substantial, particularly on federal and state appellate courts. Unfortunately, the present decade has not been receptive to statutory reform, so only a few states have reflected the standards in their statutes.

Within the standards, the chapter *Criminal Justice Mental Health Standards* addresses many of the problems that persons with developmental disabilities might encounter within the criminal justice system. Below is a summary of those standards.

Police Emergency Detention

The ABA standards urge that persons with mental retardation should not be taken into emergency custody by the police unless their conduct represents a danger to themselves or others, or they appear to be so gravely disabled that they are unable to provide themselves with the basic necessities of life [Standard 7-2.1(a)]. Detention ought to be solely for the purpose of providing transportation to an appropriate mental health, mental retardation or medical facility, where a detainee can be examined and, if appropriate, provided appropriate evaluation, treatment or habilitation [Standard 7-2.1(b)]. If possible, police guidelines should allow for voluntary dispositions in such cases; those may be accomplished through a person's friends or relatives, or by referral to a community mental retardation or other appropriate facility [Standard 7-2.3]. If physical force must be used, it should be the minimum necessary to protect the person with a disability; where feasible, police should seek assistance from persons

with special mental health or mental retardation training in effectuating emergency detention [Standard 7-2.4].

If a person with a developmental disability has been arrested for a crime, and police have reasonable grounds to believe the arrestee meets the criteria for emergency detention on mental health grounds, they should arrange for a mental health or mental retardation professional to provide evaluation, treatment or habilitation; the underlying facts should be transmitted promptly to the prosecutor or court [Standard 7-2.5]. Criminal justice personnel who observe a detainee's conduct or demeanor as indicating mental abnormality, or reflecting self-injurious or suicidal conduct, must report their observations promptly to the official in charge of a detention or holding facility; that official, after confirming the need for action, must summon a mental health or mental retardation professional to provide emergency evaluation, treatment or habilitation [Standard 7-2.6(b)].

Competence to Stand Trial

Under the Constitution, due process of law is denied if mentally incompetent persons are forced to undergo trial; the *ABA Mental Health Standards* restate that principle [Standard 7-4.1(a)]. The constitutional criteria for competence are a defendant's sufficient present ability to consult with counsel with a reasonable degree of rational understanding and otherwise to assist in her or his defense, and a rational as well as a factual understanding of the proceedings. Incompetence may stem from many causes including mental retardation or other developmental disability [see Standard 7-4.1(a), (b)]. If the issue of trial competence has been raised, a court in which criminal charges are pending should order professional evaluations of the defendant and conduct a formal hearing on the matter

[Standards 7-4.8, 7-4.9]. The court should order treatment or habilitation for a defendant found to be incompetent [Standard 7-4.9(b)], although the defendant has the right either to receive treatment or habilitation or to refuse it [Standard 7-4.10]. If a defendant is permanently in-

The ABA Criminal Justice Mental Health Standards address many problems that persons with disabilities might encounter within the criminal justice system.

competent to undergo trial, he or she should be released from the special commitment based on procedural incompetence and be dealt with under ordinary mental health civil commitment statute if appropriate [Standard 7-4.13].

Nonresponsibility for Charged Crime

The so-called "insanity defense," in various forms, has been recognized for centuries in Anglo-American criminal law. The *ABA Mental Health Standards*, using the label of "mental nonresponsibility," advance as the desirable test whether, "at the time of [charged criminal] conduct and as a result of mental disease or defect, the person was unable to appreciate the wrongfulness of [the] conduct" [Standard 7-6.1(a)]. Mental retardation is comprehended within the term "mental disease or defect" if it substantially affects the mental or emotional processes of the defendant at the time of the alleged of-

fense [Standard 7-6.1(b)]. In fact, in recent years a number of legislatures, including Congress, have adopted statutory definitions of mental nonresponsibility (insanity) closely resembling the ABA standards definition.

Assessment of a defense claim of mental nonresponsibility is a trial jury's responsibility; the *ABA Mental Health Standards* set forth detailed provisions as to how evidence is to be prepared and presented on the nonresponsibility issue. If a defendant is found not guilty by reason of mental nonresponsibility (insanity) (NGRI) [Standard 7-6.10], the standards urge the establishment of special commitment proceedings to determine whether the acquittee should be committed to a mental health or mental retardation treatment facility [Standard 7-7.3]. Commitment should not be ordered unless a court finds that an acquittee currently has a mental illness or mental retardation and, as a result, poses a substantial risk of serious bodily harm to others [Standard 7-7.4(b)]. The ABA standards recommend that mental health commitment following NGRI should not exceed the maximum period of incarceration authorized for the offense(s) of which a defendant has been acquitted; prolonged commitment beyond that time should require a new regular mental-health civil commitment order after proper proceedings [Standard 7-7.7(a)]. Special commitment orders should be reviewed periodically by the committing court [Standard 7-7.8], and should be terminated at any time if the acquittee no longer is dangerous [Standard 7-7.9].

Convicted Defendants with Developmental Disabilities

Some persons with developmental disabilities will be competent to undergo trial and will be convictable of their offenses. The *ABA Mental Health Standards* advocate the adoption of special standards governing the sentencing and disposition of offenders with severe mental illness or serious mental retardation; the latter is defined as a person "with very significant subaverage general intellectual

functioning existing concurrently with substantial deficits in adaptive behavior" [Standard 7-9.1(c)]. Convicted offenders should not be denied probation solely because they require mental health or mental retardation treatment or habilitation [Standard 7-9.2]. Moreover, such a condition should be considered a possible mitigating factor in sentencing [Standard 7-9.3]. If defendants with severe mental illness or retardation are sentenced, it should be to a mental health or mental retardation facility; if a condition is less severe, an adult correctional facility should make available needed treatment or habilitation [Standard 7-9.7]. Prisoners committed to a mental health or mental retardation treatment facility should not be releasable by mental health or retardation officials without an advance authorization from either a correctional official or the sentencing court [Standard 7-9.11]. The right of offenders placed in mental health or mental retardation facilities to decline habilitation or mental health treatment is recognized to the same degree that civilly-committed patients have it [Standard 7-9.12].

If an offender with severe mental illness or mental retardation is still in mental health custody at the expiration of the underlying criminal sentence, he or she should either be released or civilly committed on the basis of separate judicial proceedings [Standard 7-9.16]; this restates federal constitutional requirements.

Prisoners with Developmental Disabilities

It is possible for persons with mental retardation to be convicted and sentenced to correctional institutions; that will be true in the overwhelming majority of American jurisdictions that have not adopted the special sentencing and commitment procedures recommended in Part IX of the *ABA Mental Health Standards*. In such cases, the correctional system should provide an appropriate array of mental retardation services and habilitation [Standard 7-10.2]. Voluntary

transfers [Standard 7-10.3] or court-authorized transfers [Standards 7-10.4 - 7-10.7] should be possible to treatment or habilitation facilities operated by a state department of mental health services. Prisoners so transferred should have the same right as civilly-committed patients to refuse treatment or habilitation [Standard 7-10.10]. When treatment or habilitation no longer is necessary or appropriate, the prisoner should be returned to correctional custody after appropriate administrative review [Standard 7-10.11]. A committed prisoner with mental retardation must either be discharged or civilly committed in a separate proceeding at the expiration of the underlying criminal sentence [Standard 7-10.12].

Impact of the Standards

As noted at the beginning of this article, implementation of the *ABA Mental Health Standards* turns on the willingness of state lawmakers to pattern legislation after them, and few have done so. Consequently, no statistical evaluation of the standards' effectiveness is possible. However, it is hoped that the rights of persons, including persons with developmental disabilities, are enhanced through the use by courts, lawyers, and mental health professionals of the standards as a guide or reference text. In short, the system can function appreciably better with the standards than without them.

B.J. George is Professor of Law Emeritus at New York Law School, former General Reporter of the ABA Criminal Justice Mental Health Standards, and a former chairperson of the ABA Section of Criminal Justice. Copies of the ABA Criminal Justice Mental Health Standards (2d ed. 1986, 1989) can be obtained by writing to the American Bar Association, Publication Orders, P.O. Box 10892, Chicago, Illinois 60610-0892, or by calling 312/988-5522. Please reference Publication #5090041.

Equal Protection of the Law for Crime Victims with Developmental Disabilities

by Dick Sobsey

Civil rights consist of two essential parts: equal protection and due process. Equal protection of the law is a fundamental principle of justice in every modern democracy. In the United States, the promise of equal protection of the law was made to every citizen with the ratification of 14th Amendment to the Constitution in 1868. It says that no state may "deny to any person within its jurisdiction the equal protection of the laws." The importance of this simple statement is unquestionable, and many of its vast implications go far beyond the scope of this article. But, in regard to crime victimization, its meaning is clear. Efforts to deter and prevent crime must attempt to protect all citizens to an equal extent. A crime committed against any citizen must be investigated and prosecuted as vigorously as it would be if the crime were committed against any other. Sentencing of offenders must be based on the seriousness of their crimes and not the status of their victims.

Sadly, the promise of equal protection of the law has never been fully achieved for all citizens, and no group of citizens has been more consistently deprived of equal protection than people with developmental disabilities. Thirteen decades after the ratification of the 14th Amendment, people with developmental disabilities are among the most frequent victims of crime, and remain severely disadvantaged by the justice system that is designed to protect them.

Since the 1960s, research has repeatedly established that children with all kinds of disabilities, but particularly developmental disabilities, are much more likely to be abused than other children. This increased risk exists for physical and sexual abuse, and neglect (Sobsey, 1994). While the risk of abuse is only slightly higher for young children with disabilities, it continues to increase throughout childhood, and the risk of

abuse appears to be more than three times higher for adolescents with disabilities than for other adolescents. There has been less research on the relative risk of violence for adults with disabilities, but the research available to date suggests that the risk of being physically or sexually assaulted for adults with developmental disabilities is likely 4 to 10 times as high as it is for other adults.

Statistics, however, do not tell the human stories, many of which are hard to hear. For instance, in February of 1997, a parent-advocacy group offered a \$15,000 reward for the arrest and prosecution of a suspect in the rape of a woman with severe developmental disabilities in a state-run institution. They offered the reward after the state issued a report indicating that the rape may have been committed by a staff member and that there were dozens of suspicious injuries in the same building, but offering no solution to these problems. In March, 1997, courts in Massachusetts heard that one of six people who beat, scalped, and raped a 22-year-old man for three months before killing him told police that torturing him with electric shocks "looked like fun." As that trial proceeded, the media also carried news from another investigation of two men with developmental disabilities who were kept chained in the backyard by their caregivers, were forced to eat dog food, had teeth pulled out with pliers, and had boiling water poured on them. The rape, torture, and murder of vulnerable people is an outrage, and punishment for such offenses should be swift and severe. Unfortunately, it is sometimes nonexistent and often lenient.

Several things can stand in the way of equal justice. In many caregiving settings, internal administrative investigations take the place of or interfere with the criminal justice system. In other

words, what might constitute an assault and battery and be treated as a police matter in the community, is frequently called "abuse" and treated as a personnel matter in institutions.

In many cases, prosecutors fail to bring cases to court because they fear that witnesses with disabilities will be excluded or disbelieved. While it is true that some people with developmental disabilities have profound impairment of memory or communication, many others who could provide accurate testimony are denied the opportunity to give evidence because of their disabilities. Police, in turn, are often reluctant to investigate these cases because they do not think that they can be successfully prosecuted. People with disabilities and their advocates often do not report violence to the police because they lack confidence that their complaint will be acted upon. In a study of more than 300 cases of sexual abuse and assault conducted by the University of Alberta, we found some evidence of the system breaking down at every level, but more frequently the cases were simply never reported. As a result, the negative expectations at every stage are self-fulfilling. The justice system fails because everyone believes that it will fail. The police cannot investigate and the prosecutor cannot prosecute until people with disabilities and their advocates report the crimes that are committed against them. In our sample, when cases were reported, investigated, and prosecuted, about one-third resulted in convictions.

Some cases suggest that even when convictions occur, crimes against people with disabilities result in lesser penalties. In recent cases, an American mother received a sentence of 240 hours community service for killing her daughter who had a brain injury, and a French mother was only sentenced to probation for killing her daughter who had autism.

In an earlier Canadian case, only one of four young men who beat a young man with a cognitive disability to death received any jail time. When a Canadian father was sentenced to a minimum term of 10 years for killing his daughter with multiple disabilities, there was widespread public outrage because he was sentenced too severely. Although this was the minimum sentence allowed by law for second-degree murder, and many of the facts of the case suggested the possibility of conviction for first-degree (planned and deliberate) murder which carries a minimum sentence of 25 years, the Canadian Senate responded proposing a bill that would create a special category of third-degree murder that would allow "Compassionate Homicide" or mercy killing in such cases.

While the stated purpose of such legislation is to consider the intent of compassion, there are two serious problems. First, no one proposing such legislation has proposed it be extended to compassion for anything other than illness or disability of the person murdered. If compassion for people who live in poverty, who lose loved ones, who are discriminated against, who simply are not satisfied with their lives does not justify murder, why should "compassion" for people who live with a disability justify the same act? Second, since intent can never be objectively measured, the mere claim of the intent of compassion would be impossible to refute beyond any reasonable doubt. The effect would be the creation of a law that makes killing people with disabilities a less serious crime than killing other citizens.

To test the hypothesis that it is disability rather than the notion of compassion that makes a crime less serious in some people's minds, we conducted some simple research. We gave 84 law students short vignettes describing a severe physical assault that took place at work and asked them what sentence would be appropriate upon conviction. Two versions of the vignette differed only in the description of the victim. In one, the victim was described as "a 26-year-old man who has been moderately

mentally handicapped from birth." In the other, the victim was described as "a 26-year-old professional." The results of the two studies were significantly different. Eight times as many people thought a suspended sentence was adequate when the crime victim was described as having a developmental disability, and almost twice as many people felt that time in jail should be required when the victim was described without a disability. In addition, when jail time was recommended, the average sentence was shorter for the crime when it was committed against a victim with a disability.

While this picture is bleak, it is far from hopeless. Much can be done to improve the situation and much important work is already in progress. The goal is clear: Crime victims with disabilities must have equal access to and equitable treatment in the criminal justice system. How can this be achieved? Part of the answer lies in community inclusion and community-based law enforcement, and in appropriate counseling and support.

While most of the evidence suggests that people with developmental disabilities are more likely to be victimized in institutional than community settings, community inclusion in itself is not enough to protect people from violence. As more people with developmental disabilities remain in or return to our communities, community-based law enforcement must prepare to meet their needs. Fortunately, community-based policing has emerged as a valued tool in fighting crime during the 1980s and 1990s, linking police agencies more closely with the communities they serve. Establishing positive links between police and people with developmental disabilities prior to the development of crimes can be an excellent deterrent to crime, and help ensure that police are prepared to act if a crime should occur. For example, people with developmental disabilities can often play valuable roles in neighborhood watch and other similar programs.

When people with developmental disabilities do become victims of violence, the same emotional responses occur that would be expected in other vic-

tims of violence and the same kinds of help are often required. Unfortunately, counselling and victims' assistance programs often exclude them or are unable to accommodate their special needs. This is especially unfortunate because people with developmental disabilities often lack the informal support networks and the resources required for self-help. Making counseling and support accessible is generally best achieved through interdisciplinary cooperation, maintaining the basic function and procedures of the generic service, and modifying it only to the extent required for inclusion.

We are only beginning to understand the factors that make people with disabilities more vulnerable to crime. We need more research that specifically addresses the experiences of people with developmental disabilities as victims of crime, and we need evaluation of the criminal justice system in relation to addressing the unique needs of people with developmental disabilities. The linking together of people who share the goal of equal justice for people with disabilities is a key factor in successful efforts. People who are already involved with groups advocating for people with disabilities can work to ensure that this issue is on the group's agenda and receives the priority it deserves. And networking between local police, victims' rights groups, and disability organizations can also be an important tool to change attitudes and practices, and ensure equal protection of the law for crime victims with developmental disabilities.

Sobsey, D. (1994). *Violence and abuse in the lives of people with disabilities: The end of silent acceptance*. Baltimore: Paul H. Brookes.

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The Arc: Tackling Criminal Justice Issues at National, State and Local Levels

by Leigh Ann Reynolds and Rick Berkobien

As the nation's largest voluntary organization committed to the welfare of persons with mental retardation, The Arc addresses a wide range of issues including the treatment of persons with disabilities within the criminal justice system. With a national headquarters and approximately 1,100 state and local chapters, The Arc advocates, educates, and informs in relation to legal system issues at each of its three organizational levels.

Locally, chapters of The Arc are often the "first-line of defense" for people with developmental disabilities caught unexpectedly in the criminal justice system. Because most communities lack specialized diversionary programs specifically for offenders with disabilities, a local chapter of The Arc may provide services to "fill in the gap." Families and local service providers may directly contact a local chapter upon the arrest of a family member or individual to obtain general information and to learn how to most effectively advocate on behalf of the person. Having little or no information about developmental disabilities, attorneys may seek advice on what, if any, legal recourse can be made on a client's behalf. In some cases, local chapters that are called upon in situations where a person may be inappropriately detained or accused of a crime have established contacts with local law enforcement agencies and courts. Some local chapters may also operate specialized intervention programs in order to work with the courts in providing diversionary services – not to avoid appropriate punishment, but to prevent unnecessary incarceration. In other cases, local chapters collaborate with their state chapters and even call upon the resources of the national headquarters for assistance. Courts often encounter offenders with developmental disabilities who require intervention, but who, if incarcerated in a regular penal system, may become victimized. Chapters, working in

concert with their local judiciary systems, can help ensure that these individuals receive services, such as residential supports, vocational training or specialized service coordination, giving the individual a better chance for rehabilitation that may be unattainable in another setting.

On a state level, chapters of The Arc are active in the criminal justice arena. State chapters monitor statutes that impact individuals with developmental disabilities and many operate programs or conduct initiatives to protect the legal rights of such individuals. Chapters in New Jersey, New Mexico, and California provide outstanding examples of how The Arc is making an impact.

The Arc of New Jersey operates the Developmentally Disabled Offenders Program (DDOP), one of the few programs nationwide that provides alternatives to incarceration for defendants with developmental disabilities. The program, directed by an attorney with a background in criminal defense law, serves as a clearinghouse for information about offenders with developmental disabilities and acts as a liaison between the criminal justice and human services systems. Quality of care and services is monitored as individuals move from one system to another, and the DDOP continually investigates how linkages between state service systems can be established, strengthened, and maintained to benefit offenders with developmental disabilities.

DDOP, through the use of a Personalized Justice Plan (PJP), offers the court alternatives to incarceration for people with developmental disabilities. PJP's identify community supports and provide least restrictive, community-based alternatives for offenders, while holding them accountable for their actions. The PJP is presented to the court as a special condition of probation or parole. If it is

accepted by the judge and the offender is placed on probation or parole, DDOP then monitors the PJP until the person completes his or her sentence.

Not only does the DDOP provide direct services for people with mental retardation, it provides training and education as well. DDOP provides technical assistance to attorneys who represent people with mental retardation, educates individuals with developmental disabilities about confusing aspects of the criminal justice system, and immediately intervenes on the client's behalf when necessary. With funding from the New Jersey State Bar Foundation, the program recently produced materials for self-advocates to help individuals know what to do if they are ever arrested. They also produced a guide for attorneys that explains the specific disadvantages faced by defendants who have a disability and assists them in identifying someone with mental retardation.

The Arc of New Mexico operates a similar program called The Justice Advocacy Project (JAP). JAP provides advocacy services statewide to adults and juveniles with developmental disabilities who are detained by the police or who are accused or convicted of crimes. They provide individual advocacy and a coordinated system of follow-up or aftercare. JAP also provides systems advocacy by actively supporting legislation that promotes improved treatment, habilitation and the development of specialized programs for offenders with developmental disabilities. JAP believes education is a key component of its services. People with disabilities are educated about individual rights, rights when arrested, what constitutes illegal behavior, and consequences for breaking the law. Specialized training is also offered to law enforcement, the judiciary, and probation, correctional, and parole officers. Currently, JAP is advocating for a change in

the Criminal Competency Code for persons with mental retardation so that an individual who is being confined, waiting to see if he or she becomes "competent to stand trial," would be capped at one year.

The Arc of California formed the Criminal Justice Task Force for Persons with Developmental Disabilities in 1995 to address the problem of increasing numbers of people with developmental disabilities entering the criminal justice system, and to promote better coordination between criminal justice and mental health/mental retardation agencies. The task force convenes a number of committees that cover a wide array of topics, including victims of crime, incarceration, and community resources. Included on these committees are self-advocates, psychologists, attorneys, and police officers. The goal of the task force is to identify specific problems in California and propose solutions in the form of legislative, policy, and procedural reforms. The task force is currently involved in creating materials for public defenders who have clients with developmental disabilities. Growing interest in these issues has spurred the committee to employ a part-time coordinator to oversee task force initiatives. The Arc of California also recently held a one-day conference which brought together experts in the field of developmental disabilities and criminal justice, demonstrating the need and desire to continue helping individuals in this critical, yet often overlooked, area of advocacy.

Nationally, The Arc has undertaken numerous advocacy and programmatic criminal justice initiatives. Many of these activities stem from the organization's position statement, *Access to Justice and Fair Treatment Under the Criminal Law for People with Mental Retardation*, a statement of belief adopted by The Arc's governance. The Arc's Legal Advocacy and Human Rights Committee – comprised of national experts in human rights – has joined national and state-level *amicus curiae* briefs in defense of individuals with mental retardation, and advises the organization on

legislation which impacts the legal rights of individuals with mental retardation. The Arc developed a two-page question/answer fact sheet specifically on this topic to help create an awareness among our members, as well as police officers, judges, attorneys, jailers and others involved in the criminal justice system about the magnitude of the problem.

Programmatically, The Arc has spearheaded national education and training efforts in criminal justice. In 1994, The Arc was awarded a grant from the U.S. Department of Justice to produce educational materials on the Americans with Disabilities Act and its impact on courts and law enforcement agencies, both Title II entities. The Arc developed materials for court personnel, law enforcement agencies, and self-advocates, distributing them throughout the United States. The Department of Justice also included these materials in packets of model materials sent to each law enforcement agency that received Crime Bill monies. Additionally, the project compiled a comprehensive list of materials for courts and police on people with developmental disabilities in the criminal justice system. During its national convention in November, The Arc will present two workshops, one for self-advocates to help them understand how to protect themselves and their rights if they are arrested, and the other for those interested in developing diversionary programs for offenders with mental retardation, like those programs previously mentioned.

As the country's legal system becomes increasingly backlogged, and prison and jail populations continue to swell, organizations such as The Arc – at the national, state and local levels – offer hope and practical solutions for individuals with developmental disabilities who may otherwise get lost in a legal quagmire.

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Another Ally: NAG

The National Advisory Group for Justice (NAG) is a federally-funded project established to help prevent discrimination against people with developmental disabilities in the criminal justice system, and to educate criminal justice system professionals and people with disabilities about one another. The national organization, Self-Advocates Becoming Empowered, is a key collaborator in NAG, which is housed in the Public Interest Law Center of Philadelphia (PILCOP). The emphasis on self-advocates is seen throughout project activities, which include:

- Educating self-advocates about the criminal justice system, how to avoid getting in legal trouble, and what to do if that occurs. In addition, self-advocates, family members, and professional advocates train others about dangers for persons with disabilities in the criminal justice system.
- Advocating through circles of friends. Project members participate in the Friends of Richard Lapointe (see story on page 17), learning the effectiveness of this advocacy strategy and how it can be used to support others.
- Providing legal advocacy for persons with disabilities who are arrested. Project staff examine cases in which there are violations of the Americans with Disabilities Act and advocate for change, including changes in state legislation, to strengthen protections for persons with disabilities.

NAG is available to assist self-advocates, advocates, and others across the country in addressing problems faced by people with disabilities in the criminal justice system. For more information call Barbara Ransom at PILCOP, 215/627-7100.

NAG is funded by the Administration on Developmental Disabilities, U.S. Department of Health and Human Services.

Breaking the Cycle: "Justice Now!"

by Jeri Houchins

Both reality and dreams are necessary to address the challenges set out in the Justice Now! project. The reality is that young people and adults with developmental disabilities get caught up in the criminal justice system in disproportionate numbers and fall victim to discrimination. The dream is that the criminal justice and human service systems can come together to break the cycle of involvement and prevent injustice.

People with developmental disabilities often lack information on how to avoid getting involved in the criminal justice system, what to do if they get involved, where to get help, and what to do until help arrives. This is especially true for people with cognitive disabilities. Unknowingly, they often forfeit their rights in varying degrees because of misplaced trust, limited vocabulary, difficulty recalling facts, undue influence of authority figures, and a desire to avoid being labeled "retarded."

The consequences of this dilemma vary depending on the person's involvement in the system. A witness without an advocate assistant is often unable to understand the questions being asked so investigative information is lost. Crimes against victims often go undiscovered because the victims are afraid that people will blame or be angry at them; in addition, their behavior is often misinterpreted and/or the person is considered an unreliable accuser. Suspects with mental retardation often find themselves in a never-ending cycle of involvement in the criminal justice system. Without reasonable accommodations for their disabilities, the result is inappropriate incarceration, a greater rate of parole denial, lack of transition training to prepare them for community re-entry, failure to adjust to post-incarceration life, and, as a consequence, recidivism.

In the fall of 1995, with funding from the Administration on Developmental Disabilities, U.S. Department of Health and Human Services, Justice Now! be-

gan its work of preventing discriminatory treatment of people with developmental disabilities in the criminal justice system. One approach being used by the project is training persons with disabilities and professionals. Through the project's *consumer prevention curriculum*, people living in and transitioning into the community become better equipped to avoid involvement in a crime and protect their rights if they become involved. The curriculum is also used with human service, education, and advocacy professionals in a train-the-trainer approach that prepares them to train others.

The project's *criminal justice training curriculum* equips law enforcement and victim services professionals to better understand, to more quickly identify, and to more appropriately interact with victims, witnesses, or suspects who have cognitive disabilities. This curriculum is offered through inservice for current personnel, through the cadet/academy for trainees, and for mental health deputies, who are specialized sheriff's department personnel called into cases as soon as it is determined that a person with a cognitive disability is involved.

These are just two of the activities of the project. In addition, it has co-developed a jail intake screening instrument now mandatory throughout Texas, is revising law enforcement agency policy and procedure guidelines, is consulting in legislative committee activities, and is providing nationwide training and presentations. By working with self-advocates, human service professionals, and criminal justice professionals, Justice Now! is helping to break the cycle of involvement in the criminal justice system by persons with developmental disabilities and preventing injustice.

Jeri Houchins is Principal Investigator with Justice Now!, a joint project of ARCIL Inc., and Back to Life, Austin, Texas. She may be reached at 512/255-1465.

From a Grateful Mother

Henry, my son, is strong, accident prone, handsome, funny, loving, a TV addict, kind, helpful, healthy, shy, and has special needs. Last fall, one of those special needs was met when he participated in the Justice Now! Prevention Training where he learned what actions could get him in trouble with the law and what he should do if he did get into trouble.

Even though he learned a lot and graduated from the class, Henry somehow managed to be in the right place at the wrong time. He was standing in front of a grocery store, waiting for his sister to pick him up to go home, when he saw two schoolmates breaking into a newspaper stand. Before they were able to get to the money, a police officer drove up and got out to go inside. The boys knew Henry was in special education at school, didn't talk much, and had trouble saying things when he did talk. Scared that the police had noticed the damaged newsstand, the boys walked up to the officer and said, "That kid over there was trying to get money out of that machine!" The officer immediately went over to Henry and asked his name. Henry quickly pulled out his Prevention Graduation Card and loudly replied, "I NEED A LAWYER!" No matter what the officer asked him, he yelled, "I NEED A LAWYER!" Finally, the officer noticed the card in Henry's hand, looked at it and saw the instruction to call me or the local mental health/mental retardation hotline. Seeing this, he realized Henry had special needs and began looking at the situation differently.

In January, Henry testified at the juvenile hearing. Both boys were found guilty of attempted theft and are now doing 200 hours of community service. Prevention Training probably saved Henry from being arrested and even gave him the chance to exercise his rights as a witness.

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LOCKED UP the graying of **America's Prisons** an emerging corrections crisis

DEMOGRAPHIC REVOLUTION ROCKS U.S. PRISONS

Expensive New Demands of an Aging Inmate Population

April 12, 1999

By Jim Krane

NEW YORK (APBnews.com) — In the past, the U.S. penal system was a place where the country's most threatening lawbreakers were held to protect society.

But in the past 15 years, the corrections system has been transformed into an industry that warehouses increasing numbers of men until they grow old and die -- at times regardless of their danger to society.

Across the country, the number of state and federal inmates 55 or older has tripled since 1986, and now stands at more than 50,000. This figure doesn't include elderly inmates scattered among the 700,000 prisoners in local jails.

This graying of America's prisons is forcing dramatic shifts on the penal system's management and economics. As the number of elderly inmates rises, so does the cost of maintaining them. Corrections analysts estimate a geriatric inmate's maintenance costs run as much as 300 percent higher than the average prisoner's.

As a result, corrections employees find themselves in a strange, new environment: caring for quadriplegics who can barely move, tending paralyzed stroke victims confined to wheelchairs, and monitoring schizophrenics and Alzheimer's patients who require round-the-clock medication.



Julian Villalobos

Ivory Lee Johnson,
93, a New Jersey
prisoner



Day 1:

Day 2:

Day 3:

Day 4:

Data Center

Find Oldest Prisoners

Find Longest-Serving
Prisoners

Find Prisoners in Your State

Video Interviews

Jewel thief John Seybold discusses the quandary of keeping prisoners as old and frail as himself inside prison. "We're generally harmless to

Alongside the ongoing prison construction boom -- valued in the tens of billions of dollars -- the acute needs of infirm prisoners have sparked a building boom of its own, in geriatric prisons.

Convergence of trends

The rise in elderly prisoners stems from four converging trends:

- The general aging of the American population, which is reflected inside prisons.
- New sentencing policies such as "three strikes," "truth in sentencing" and "mandatory minimum" laws that send more criminals to prison for longer stretches.
- A massive prison building boom that, since the 1980s, has provided space for more inmates, reducing the need to release prisoners to alleviate overcrowding.
- Dramatic changes in parole philosophies and practices. State and federal authorities are phasing out or canceling parole programs, forcing jailers to hold inmates with life sentences until they die. In many jurisdictions, mandatory 30- and 40-year sentences have replaced similar sentences that might have seen a well-behaved inmate paroled after 10 or 15 years. Now, that inmate stays in.

Major demographic shifts

The current surge in elderly prisoner population has been powered by enormous increases in the country's rate of incarceration.



From the late 1930s until the mid-1970s, federal Bureau of Justice Statistics show the number of state and federal prisoners remained steady, ranging between 140,000 and 240,000.

In the late 1970s, numbers began to creep up. By 1980, 320,000 prisoners lived in state and federal lockups.

In 1987, the number grew to 563,000.

By 1998, there were 1.3 million -- enough inmates to form the sixth largest U.S. city, just ahead of San Diego.

Looking to the future

For the past 12 years, inmates over 55 have consistently formed 3 percent of the state inmate population and 12 percent of federal prisoners.

So, although the percentages of elderly haven't changed, their total number has more than tripled. In state prisons alone, numbers leaped from 11,260 in 1986 to 40,500 in 1997, according to the Justice Department.

Soon, however, the combination of longer sentences and an aging population will push those percentages higher. The fastest-growing group in U.S. prisons is middle-aged baby boomers, according to the

air of society.

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Bureau of Justice Statistics. As that demographic bubble moves through the corrections system, the overall population will age along with it, statisticians say.

As the years pass, the widening population of elderly prisoners will be stricken by the catastrophic ailments of old age and require years, or even decades, of costly treatments.

The oldest of the old

Aging inmates can hang on for quite a while. There were almost 800 prisoners over 75 years old across the country in 1997. Florida alone last year housed 238 inmates over 70.

It's now not unusual to find prisoners in their 90s. In its nationwide records search, APBnews.com found 13 of them, including 94-year-old Ellef J. Ellefson in Wisconsin, a sex offender. Ellefson isn't scheduled to be released until 2006, when he's 100.

Who pays?

Ultimately, taxpayers must pay for all this -- a fact that is causing some of the country's most vocal anti-crime adherents to speak out on the issue.

Related Story:

William Bratton, New York's former police chief -- and a known advocate of jailing even the smallest-time offenders -- said sentencing laws have gone too far. Courts are handing out too many long, or life, sentences to too many nonviolent offenders, he said.

"An awful lot of people who are not violent are in jail when there's no need to have them there," said Bratton. "Do these people need to be put away for 20 or 30 years? They can be dealt with much more cost-effectively in other ways."

Posing important questions

Bratton's questions are just the latest in a rising chorus of concern and controversy about the long-term implications of the graying of America's prison systems that APBnews.com will be exploring in this interactive series.

Jim Krane is an APBnews.com staff writer (jimk@apbnews.com).

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City of New York Department of Correction

Violence Reduction Program

An overview of the violence reduction initiatives developed and successfully implemented by the New York City Department of Correction

Rudolph W. Giuliani
MAYOR

Bernard B. Kerik
COMMISSIONER

Now more than ever, we need jails that perform at peak efficiency because we are getting more and more criminals off the streets. Since 1994, there has been a 25% increase in our inmate population yet the jails are safer than they have been in years.

As a result of a comprehensive violence reduction program launched in 1995, there has been an 80% reduction in the number of violent incidents in our jails, an amazing accomplishment given the increased workload of the Department. Through a combination of high-tech analysis and back-to-basics management, the Department of Correction is a real success story in a time of fiscal restraint.

Rudolph W. Giuliani
MAYOR

Background

The security and safety of a jail is measured by the level of inmate violence. Within that broad category the primary indicators are felony assaults that involve a weapon, most often a blade or jail made shank.

Until the implementation of the violence reduction program now in place, the spiral of inmate-on-inmate stabbing and slashing incidents seemed unstoppable in the 16 jails operated by the New York City Department of Correction. The program not merely halted the rising violence, but reversed it to record lows.

In the late '80s and early '90s, when the city jails experienced rapid population growth and over-crowding, stabbings and slashings were routine occurrences. Typically, such incidents occurred in a sporadic pattern: new highs in levels of inmate violence drew correspondingly intensified security "crackdowns", and then the resulting moderation of violence prompted some easing in the stepped-up security.

Often, both the violence and management's response were viewed solely within the context of a particular facility or security issue believed to be the cause of violence. At first, the limited-focus response would seem to work by producing a temporary slowdown in the rising incidence of violence in that jail. But after a while other issues would take precedence, such as an immediate need to build new capacity to house a rapidly rising inmate population, or a need to develop special housing and program procedures for tuberculosis or HIV-infected inmates. As managers scrambled to meet these and other rapidly-changing demands, often in the face of court imposed deadlines, lawsuits, or policy concerns, violence would invariably increase again—and the process would repeat.

The pressures of trying to balance multiple priorities while seeking to satisfy the increasing number of new demands placed on the Department sometimes resulted in less attention to basic operational functions, including the primary function—security of the jails.

Management Restructuring

During this period, management was busy with the issues as they arose, reacting with limited focus instead of initiating an integrated approach encompassing all issues and all the jails. In 1996, the Department implemented a new management analysis program called Total Efficiency Accountability Management System (TEAMS). The TEAMS theory is that every unit within the Department effects how the agency performs its mission as a whole, and that managers must be agency-focused, not narrowly unit-oriented, and be aware of and participate together in realizing the Department's goals and objectives.

Prior to this implementation, management within the Department had developed into a dispersed arrangement that blurred lines of accountability between uniformed staff and civilian managers as well as between on-site facility managers and headquarters personnel. Under TEAMS, account-

ability was clearly defined throughout the chain of command and a monthly primary indicator reporting system was implemented for all aspects of agency operations, from violence incidents to routine maintenance procedures. Monthly meetings involving all managers are held to discuss facility conditions, identify problem areas and develop strategies for achieving Department objectives.

Violence Reduction Initiative

In 1995, the Department of Correction initiated a violence reduction program in response to unacceptably high levels of inmate violence. Inmate slashing and stabbing incidents were occurring at a rate of 100-plus per month in late 1994 and into 1995, with some months topping 130. The initiative started with a redesign of the information collection process. This was necessary because the existing process only enabled managers to analyze information on a monthly or in some cases, a quarterly basis. Because the average length of stay of the inmate population runs between 45 and 50 days, the process could yield only stale information. The information was too .. obsolete to be of practical use.

For purposes of detecting violence trends or hot spots within a facility, timely information was required. In developing such a system, indicators were established for all facility managers. These indicators were standardized throughout the chain of command and managers were required to verify and sign-off on their violence report submissions. Computer programs were then developed to allow for instant documentation and review of all jail violence information. Unlike the previous method, this "real time" data collection system provides management with the all-important capacity to conduct ongoing analysis and to mount an immediate response to trouble areas.

One of the first benefits of this new system was its enabling the Department to document statistically the growing presence of gang members within the inmate population. Facility managers knew from day-to-day experience that more and more gang members were coming into custody, bringing with them their turf wars from the streets, and that gang rivalries were behind nearly half the violent incidents that occurred in the jails. Gang members identified themselves by their clothing—particular colored beads, bandannas, sweatshirts or shoelaces. To deal with this problem, the Department devised a plan for removing these "gang identifiers" from the inmate population.

Because jewelry and clothing items are covered under a federal consent decree, the Department had to get court approval to proceed. Although inmate advocates opposed the plan, the statistical documentation that the Department had compiled using the new data collection system was crucial in making a presentation to the court and, ultimately, to obtaining the Court's favorable decision. The gang identifiers were then removed from the inmate population without incident.

This was an important victory for the Department on three fronts: It was the first time in almost twenty years that the Department had gone to court and won on a "conditions of confinement" issue. It gave a giant boost to staff morale after years of seeing the Department lose one court decision after another. Importantly, it showed the inmate population that the Correction Department runs the Correction Department.



Violence Reduction Initiatives

- Data-Base Violence Tracking System
- Daily Trend Analysis on Violence
- Created Gang Intelligence Unit
- Prohibition of Gang Identifiers
- Management Accountability: Wardens and other management personnel are held accountable and evaluated on the safety and productivity of their commands
- Special Red I.D. Cards for Violent Inmates
- Increased Security Searches
- 24 Hour Emergency Service Unit Coverage
- Portable X-Ray Machines
- Staff Equipped with Chemical Agents
- Enhanced Security and Restraining equipment for Violent Inmates
- Separation of Violent Inmates in Housing Areas and on Transportation Vehicles
- Revised Inmate Congregation Rule—Not more than 5 inmates allowed to meet in Recreation Yard
- Aggressive Inmate-Arrest Initiative (288 arrests first nine months of 1997 v. 109 for the same period in 1996)
- Relocation of the Central Punitive Segregation Unit to modern, more secure housing

Subsequently, the violence reduction initiatives were expanded to include the creation of a Gang Intelligence Unit (GIU) that tracks gang members and their activities while in custody. This information is stored in a comprehensive data bank. That data bank allows security staff to make informed decisions on the security classification, housing assignments, work assignments, as well as rivalries and alliances, of all gang members. Additionally, the data base developed into a valuable information source for other law enforcement agencies and GIU investigators now work on a daily basis with Federal, State and local law enforcement agencies.

Even as these components of the violence reduction initiative were being introduced, others were also being added. The number of security searches conducted in the jails was tripled and a special red ID card to identify violent inmates was developed. The red ID card readily identifies an inmate as a security risk and ensures that the inmate is searched at every checkpoint without fail. Special search teams were created and assigned on a 24 x 7 basis. Improved restraining devices, chemical agents and advanced types of specialized equipment were also introduced.

In addition, the Department's Central Punitive Segregation Unit for violent inmates was relocated from the oldest housing block on Rikers Island to a new and modern facility that provides more secure housing and better lines of sight.

Violence Brought to Record Lows

Since inception, slashing and stabbing incidents have been reduced department-wide by 80% from fiscal year 1995 to fiscal year 1998. In 1995, the Department recorded 1093 slashing/stabbing incidents, an average of 92 per month. By 1997, the rate was 401 for the year, for an average of 34 per month. In fiscal 1998, incidents were further reduced to 229 for the year, an average of 20 per month. It is important to note that the reductions in violence occurred during a period when inmate admissions rose to record levels, from 110,410 in fiscal year 1994 to 133,300 in fiscal year 1997. (In fiscal year 1998 inmate admissions remained relatively constant at 130,000). Within that increase, the number of inmates associated with violent street gangs also grew. This group constitutes approximately 12% of the 18,000 inmates in custody daily.

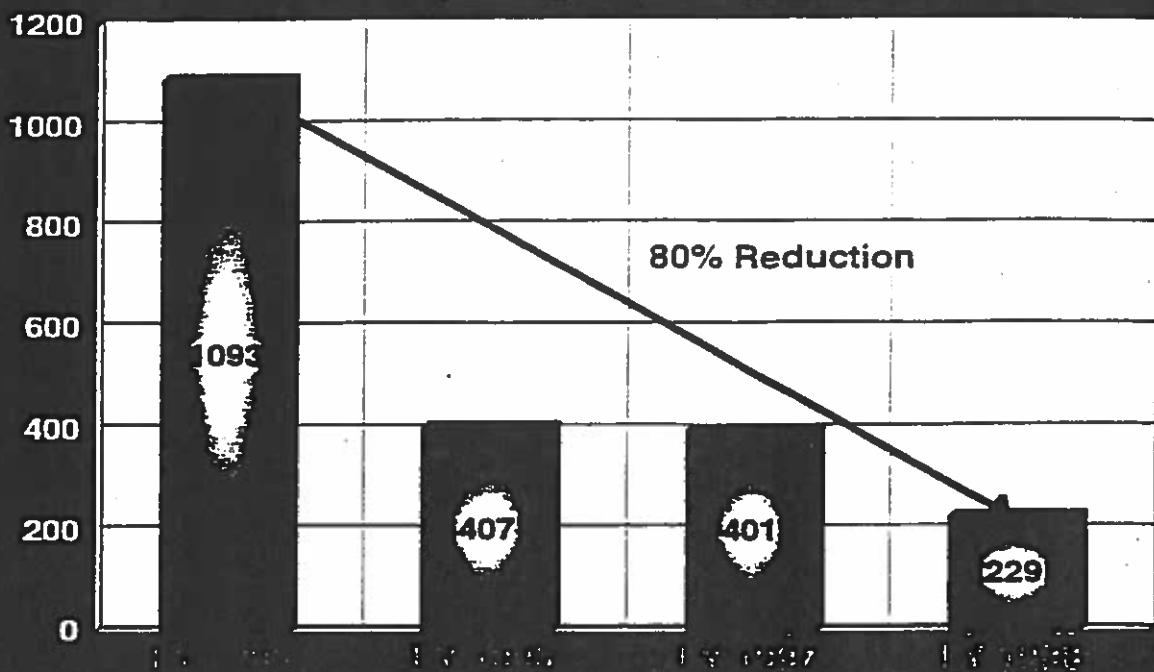
This increase in the inmate population reflects the public safety initiatives introduced by Mayor Rudolph W. Giuliani to make the city safer. Had the Correction Department not been able to manage these increased inmate admissions while reducing violence to record lows and keeping physical plant conditions from deteriorating despite increased traffic, the Mayor's crime reduction strategies that have proved so successful could have become mired in jail overcrowding, prisoner rights litigation, riots, or having to spend millions in emergency jail construction.

Instead, the Correction Department—with its tighter TEAMS management structure and violence reduction initiatives—effectively managed its increased responsibilities while making the jail system safer, thereby contributing its part to the reduction of crime throughout the City to spectacular new lows.



Department-Wide Violence Statistics

Fiscal Years '95, '96, '97, '98
(Stabbing and Slashing Totals)

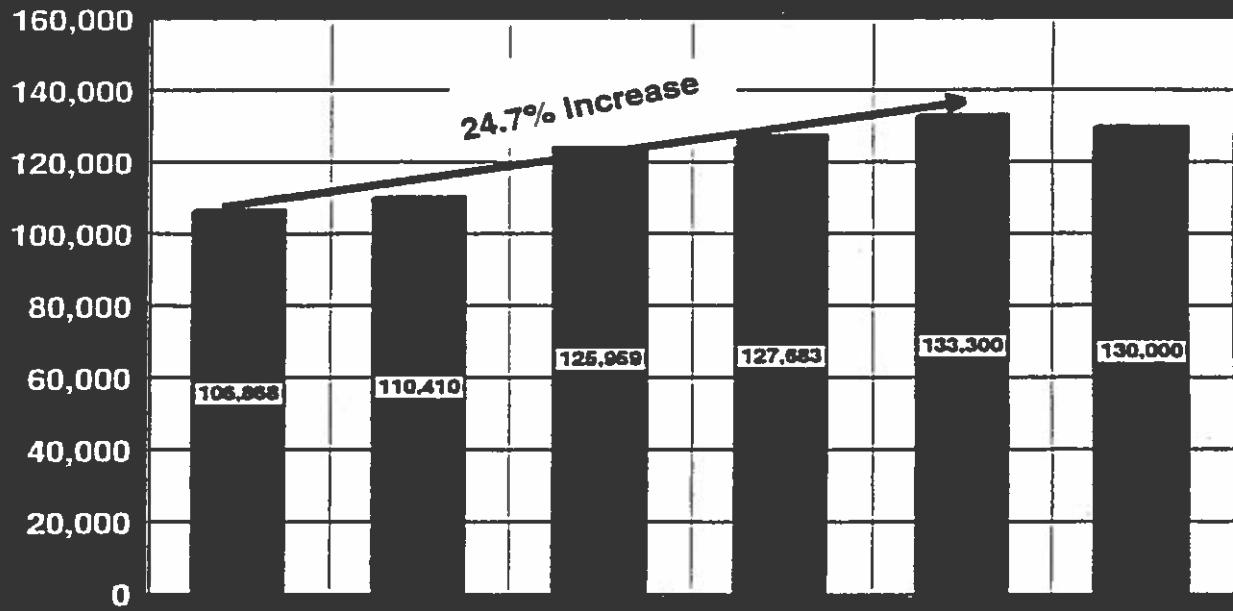


DOCS - Department of Correction
City of New York



Inmate Admissions

(Fiscal Years 1993 - 1998)



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Supermax Prisons: Overview and General Considerations

by

Chase Riveland

January 1999

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Contents

Acknowledgments	iv
Foreword	v
Section 1. Introduction	1
Section 2. Survey and Survey Results	3
Section 3. History and Definition	5
History	5
Definition	5
Purpose	6
Admission/Release Criteria	6
Section 4. Operational Issues	8
Classification	8
Programming	9
Religion	10
Length of Stay	10
Human Contact	11
Medical Services	11
Mental Health Services	12
Food Service	12
Property	13
Hygiene and Sanitation Issues	13
Security	14
Policies and Procedures	14
Use of Force	14
Documentation	15
Section 5. Staff Issues	16
Personnel Characteristics	16
Recruitment and Selection	16
Training	17
Stress	17
Leadership and Supervision	17
Section 6. Siting, Design, and Construction Issues	19
Co-Located vs. Separate	19
Site Selection	19
Design Issues	19
Construction Costs	20
Implications for Operating Costs	21
Further Considerations	21
Section 7. Summary, Conclusions, and Recommendations	22
References and Bibliography	23
Appendix. Checklist of Considerations for an Extended Control Facility	25

Acknowledgments

Preparation for the writing of this monograph included several tasks. First, a group of correctional administrators, experienced in the design and/or operation of supermax-type correctional facilities, came together for a couple of days to share their experiences, opinions, and "lessons learned" about these facilities. Thank you to the members of this group: Greg Hershberger, North Central Regional Director, Federal Bureau of Prisons (former Warden of the Ad Max—Florence); Ken McGinnis, Director, Michigan Department of Corrections (former Director, Illinois Department of Corrections); Larry Meachum, Director, Office of Justice Programs/Corrections Program Office (former director of three state corrections systems); James Spalding, Director, Idaho Department of Corrections (former Director, Division of Prisons, Washington State); Mary West, Regional Director, Colorado Department of Corrections; Frank Wood, former Director, Minnesota Department of Corrections (former Warden, Oak Park Heights Correctional Facility); and Richard Franklin, NIC Prisons Division (former Director of Prisons—Alaska). Their knowledge and input were invaluable.

Second, visits were made to several supermax facilities. Particular thanks go to Warden John Hurley and staff at the federal Ad Max—Florence, CO; Superintendent Donice Neal and staff at the Colorado State Penitentiary, Canon City, CO; and Warden Steve Cambra and staff at Pelican Bay State Prison, Crescent City, CA. The author had earlier visited Oak Park Heights Correctional Facility at Stillwater, MN; the U.S. Penitentiary at Marion, IL; and three Intensive Management Units in Washington State, as well as a number of segregation units around the country.

Numerous corrections professionals throughout the country were contacted in a follow-up to an NIC Information Center survey. They were, without exception, generous with their time in responding to questions.

Last, but certainly not least, appreciation is extended to the members of the NIC Advisory Board who recognized an emerging issue and to those at NIC who followed up on that interest: Morris Thigpen, Director; Larry Solomon, Deputy Director; and Susan Hunter, Prisons Division Chief.

Foreword

Units and programs for the management of dangerous and disruptive inmates have been a source of controversy in the field of corrections for many years. Although correctional approaches such as concentration, dispersal, and isolation are not new, the development of "supermax" prisons is a relatively recent trend. More than 30 states are operating one or more units or facilities created specifically for their corrections systems' most threatening inmates.

This document discusses issues that are germane to planning and operating supermax units. The author has more than 30 years of correctional experience, including planning and operating high-security prisons, and has served as director of two state departments of corrections.

We hope the document will contribute to the development of some common definitions where there is now broad divergence, enhance understanding of the myriad issues related to the management of violent and disruptive inmates, and provide benchmarks by which corrections systems may examine their need for specialized prisons or units for high-risk inmates.

Morris L. Thigpen, Director
National Institute of Corrections



Section 1. Introduction

"Supermax" prisons—fad, trend, or wise investment?

Prisons historically have had "jails within prisons." Simply because people are in the controlled environment of a prison does not stop some of them from being assaultive or violent, attempting to escape, inciting disturbances, preying on weaker inmates, or otherwise exhibiting disruptive behavior. Such people must be removed from the general population of the prison environment while they threaten any of those behaviors. Order and safety are the priority objectives of any correctional facility.

Prison administrators have traditionally placed persons exhibiting such behaviors into separate housing units—generally called segregation, punitive segregation, disciplinary segregation, or some other name that differentiates the unit from general population housing. In recent years, particularly since the significant involvement of the federal courts in the 1970s and 1980s, this has ordinarily been accomplished after due process hearings and a finding of guilt. In disciplinary placements, the inmate would be given a specific amount of time to serve based on the seriousness and frequency of the violation(s). Other inmates who were repeat offenders or very serious violators of critical institutional rules would be individually confined and segregated from the general population until it was believed they no longer threatened to prey, incite, assault, or escape. Isolated housing has also been used for protective custody inmates who might be at risk from other inmates as well as for other "special" populations, such as inmates who are on death row, HIV-positive, or mentally ill.

In the last few years, many jurisdictions across the country have built or renovated prison facilities or units with the express purpose of incarcerating inmates under highly isolated conditions with severely limited access to programs, exercise, staff, or other inmates. Other jurisdictions are in various stages of considering or planning such units or facilities though a faction made up of corrections officials, inmates, and inmate advocates has raised concerns about, or even condemned, them. They suggest they are "cruel and inhumane," susceptible to abuses, and damaging to the inmates housed in them. Many corrections officials have defend-

ed the need for such facilities based on the perceived "toughening" of the inmate population, increased gang activity, the difficulty of maintaining order in severely crowded prisons, and from experience gained over time that suggests such units are beneficial.

Use of such facilities also represents a philosophical change, moving from what Professor David Ward and Mr. Norman Carlson, in their article entitled "Super-Maximum Custody Prisons in the United States," termed the "dispersion" approach to the "concentration" approach for the handling of troublesome inmates. Many agencies in the past would spread their troublemakers around the system or in various units of a prison and, in some instances, house them in other states or with the Federal Bureau of Prisons. This dispersal of problem inmates would be an attempt to prevent them from uniting in their misconduct and also allow staff at a given institution to gain a measure of relief from dealing with the same troublemakers over an extended period of time. This approach also enabled prison officials to break up cliques and gangs, but the success of the approach was—and is—at least partially dependent on the number and types of correctional facilities available at various custody levels.

The more recent "concentration" approach creates specific units or facilities to manage this troublesome type of inmate in a high-security environment, generally isolated from all other inmates. The premise is that general population prisons will be more easily and safely managed if the troublemakers are completely removed.

In some places, these highly focused institutions have been a component of "tough on crime" agendas touted by elected officials, combating the assertions of many observers that "prisons are like country clubs." In other jurisdictions, they have been proposed by corrections officials to meet the existing or projected need to isolate identified individuals or groups of inmates from the general population to enhance the management of their facilities. Whatever the motivation for building such facilities, the number of them already in operation, under construction, planned, or proposed has increased significantly over the last several years. More than 30 states report they are operating one or more such units or facilities.

These units and facilities are significantly more expensive to build than traditional general population prisons, due in part to the enhanced and extensive security features on locks, doors, and perimeters; reinforced walls, ceilings, and floors; and, frequently, the incorporation of advanced electronic systems and technology. Their operating costs have proven to be much greater also. Providing meals and other services at individual cell fronts, multiple-officer escorts, and maintenance of elaborate electronic systems are examples of things that add up quickly. The number of correctional officers required to assure both internal and external security, movement of inmates, security searches of cells, and the delivery of food and other supplies and services to individual cells generally drives staffing ratios—and therefore operating costs—much higher than those of general population prisons.

The cost, cost-benefit, operating, legal, and ethical/moral issues of such facilities also raise a great deal of debate. Little is known about the impact of locking an inmate in an isolated cell for an average of 23 hours per day with limited human interaction, little constructive activity, and an environment that assures maximum control over the individual. Are potential negative effects greater after an individual has been in such a facility for three months, one year, three years, five years, or more? Do extended isolation, absence of normal stimuli, and a controlling environment result in damage to an inmate's psyche? Research in this area is sparse. That which does exist tends to focus on the eventual recidivist criminal behavior—either in or out of prison—rather than on the potential psychological damage to the inmate.

Very little is known about the effect of these facilities on inmates with existing mental illnesses or developmental disabilities. Are certain types of mentally ill inmates made worse? Can they be treated effectively in this type of environment? Again, little research is available to help us evaluate the efficacy of such placements.

Proponents point to reductions in assaults on inmates and staff and other serious incidents throughout the entire corrections system since the establishment of such facilities. There exists little or no hard data comparing such perceived impacts on entire systems versus the fiscal cost to gain such results, although anecdotal information is common.

Generally, the overall constitutionality of these programs remains unclear.

The impact of supermax facilities on staff working there has also been a subject of much discussion over the last several years, ranging from the need to pick very experienced staff to the heightened levels of stress that they experience. Having to deal on a daily basis with inmates who have proven to be the most troublesome—in an environment that prioritizes human control and isolation—presents line staff, supervisors, and facility administrators with extraordinary challenges. Correctional administrators with experience in operating supermax facilities talk about the potential for creating a "we/they syndrome" between staff and inmates. The nature and reputation of the inmate and frequently the behavior combined with ultra-control and rigidity magnify the tension between inmates and staff. When there is little interaction except in control situations, the adversarial nature of the relationships tends to be one of dominance and, in return, resistance on both sides.

Generally, the overall constitutionality of these programs remains unclear. As larger numbers of inmates with a greater diversity of characteristics, backgrounds, and behaviors are incarcerated in these facilities, the likelihood of legal challenge is increased. Caution in expanding the types and number of inmates placed in these facilities will serve all parties well. A discussion of legal issues relevant to supermax facilities is contained in a forthcoming National Institute of Corrections (NIC) publication entitled *Supermax Prisons: Legal Issues and Considerations*.

It is important then to assist agencies that are operating such facilities in asking the right questions about how they are operated. It is equally important to assist jurisdictions that are planning such facilities to ask the right questions about who they intend to put there, what design considerations they should explore, and how the facility will be operated. And, finally, it is important to assist jurisdictions that are yet or will be debating the issue, by providing as much information as possible to help frame the debate. A checklist contained in the appendix to this document was developed to guide practitioners' discussions.

Section 2. Survey and Survey Results

In 1997, the NIC Prisons Division and Information Center released a *Special Issues in Corrections* paper entitled "Supermax Housing: A Survey of Current Practices," based on a December 1996 survey of corrections systems nationwide. Responses were received from the 50 state corrections departments; the Federal Bureau of Prisons; the Correctional Service of Canada; and the New York City, Cook County, and District of Columbia Departments of Corrections. For the purposes of the survey, supermax housing was defined as follows:

"A freestanding facility, or a distinct unit within a freestanding facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously 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 access to staff and other inmates."

Survey results revealed that jurisdictions do not share a common definition of supermax due to their differing needs, classification criteria and methods, and operational considerations. It became clear that what may be "supermax" in one jurisdiction may not be in another. Examples of how differently jurisdictions define supermax and its operations follow.

- One jurisdiction with approximately 20,000 inmates anticipates a need for supermax housing for 1% of its inmate population. It currently operates a 50-bed supermax unit within a maximum-security prison and is planning an additional 150 to 175 beds. Inmates housed in this unit have been unable or unwilling to conform to the rules and regulations of administrative segregation and have a history of violent, assaultive, and/or disruptive behavior within the corrections system. The minimum length of stay in supermax is 18 months.
- Another jurisdiction with an inmate population under 15,000 reports a need for supermax housing for 5% of its inmate population. It reports as "supermax" a 500-bed prison for inmates in administrative segregation status. This facility houses inmates in several levels of transition to

general population.

- A third jurisdiction, with about 30,000 inmates, projects a need for 20% of its capacity to be supermax beds. It currently operates two facilities, with over 1,000 beds collectively, that it describes as supermax and reports plans to nearly double that number. These facilities house all new arrivals to the prison system, who are placed in maximum confinement requiring movement in restraints and living restrictions akin to segregation conditions. Inmates in the next lower custody classification live in medium-security units under medium-custody restrictions.
- Two other jurisdictions, one with an inmate population of more than 100,000 and the other with nearly 45,000 inmates, each report having a supermax facility of approximately 500 beds designated to house inmates who have threatened or injured other prisoners or staff; possessed deadly weapons or dangerous drugs; disrupted the orderly operation of a prison; or escaped or attempted to escape in a manner that involved injury, threat of life, or use of deadly weapons. These jurisdictions report a need for supermax housing for .5% to 1% of their inmate populations.

The survey revealed that some supermax facilities house only inmates who could not be controlled in traditional administrative segregation conditions. Others are an extension or expansion of traditional segregation or administrative segregation and may house protective custody and/or disciplinary segregation inmates. Yet others house inmates who would reside in close-custody general population in most other jurisdictions.

In some jurisdictions, mentally ill inmates are specifically excluded from the supermax population while, in others, this level of control is considered necessary because of the paucity of mental health resources available in the system. Some agencies include transition programs in their supermax facilities that provide opportunity to earn privileges similar to those available to maximum or close general population inmates. A supermax unit within a high-custody facility does not usually have transition beds as would be found in a free-

standing supermax facility.

Several general conclusions can be drawn from the survey:

- There is no universal definition of what supermax facilities are and who should be placed in them.
- The current and projected reasons stated for needing supermax space vary widely among jurisdictions, including increased violence, legislative interest, and availability of federal funds for such construction.
- The reported need for supermax beds ranges from 0% to 20% of the reporting jurisdictions' total bed capacity.
- Some jurisdictions use supermax facilities interchangeably with disciplinary and/or administrative segregation.
- The process for admission to and release from supermax facilities varies widely, with the final approving authority ranging from the institution superintendent/warden to the director/commissioner of the department of corrections.
- Jurisdictions operating supermax housing vary widely in the length of time they hold inmates there. Some have determinate timeframes and some indeterminate.
- The inclusion or exclusion of mentally ill and developmentally disabled inmates differs greatly among jurisdictions.
- Programs available in supermax facilities range from none, to cell front only, to televised programming, to some congregate programming.
- Some jurisdictions provide transition programming to assist those leaving the extended control unit, while others do not.

Supermax as defined in the survey may exist in relatively few jurisdictions. The survey results suggest that in some jurisdictions "supermax" may be primarily a correctional architecture term that describes a type of prison construction and a decision to concentrate higher risk inmates while, in other jurisdictions, it may be a new custody or confinement status associated with a changing inmate profile. The "supermax count" in the reporting jurisdictions includes inmates ranging from the most intractable to those who would reside in close or maximum general population in some other jurisdictions. The lack of a universal definition suggests the need for further examination and determination of whether "supermax" should be a custody/confinement status or a facility/unit security designation.

Section 3. History and Definition

History

Various versions of high-custody and high-control prisons have existed in this country over the years. Prisons dating back to the earliest settlers operated a variety of isolation cells or units commonly referred to as "the hole" and generally used as a form of extra punishment for those who violated a prison's rules repeatedly or egregiously.

Commonly recognized as the forerunner of today's supermax facilities, Alcatraz became the high-security penitentiary for "habitual" and "intractable" federal prisoners in 1934. Until its closure in 1963, Alcatraz housed the federal government's most highly publicized offenders, its most sophisticated prison escape artists and riot leaders, and its most assaultive inmates.

Alcatraz was closed in an era in which rehabilitation had become the primary rationale for penal confinement. The "concentration model" was abandoned, and inmates at Alcatraz were dispersed to federal penitentiaries across the country. Then, in 1978, the level of assaults and violence directed toward staff and prison unrest prompted the development of a special high-security control unit at the U.S. Penitentiary in Marion, Illinois. In 1983, the deaths of two officers and an inmate resulted in this prison's conversion to indefinite administrative segregation, or lockdown. Marion housed the Bureau of Prisons' most violent and troublesome prisoners until the opening of the Administrative Maximum Penitentiary in Florence, Colorado, in 1994.

Although many of the state corrections systems have historically targeted one or more of their prisons for the most threatening prisoners, seldom have those prisons operated on a total lockdown basis as normal routine. Even prisons designated as maximum security have generally allowed movement, inmate interaction, congregate programs, and work opportunities.

They have become political symbols of how "tough" a jurisdiction has become.

As correctional populations have escalated in recent years, prison crowding has become the norm in most jurisdictions. Most prisons across the country have been operating at well over 100% of design capacity. This crowding aggravated by the increase in street gang members, drug offenders, mentally ill, and youthful offenders has stressed the prisons and corrections systems. Maintaining order has been a daunting challenge for prison wardens and corrections system administrators. One response on the part of prison officials in many jurisdictions, in attempting to maintain control, has been the introduction of supermax units or facilities.

The trend toward proliferation of supermax housing would appear to be at least partially related to the belief that maintaining order in the larger part of a prison—or an entire corrections system—is enhanced by isolating the most serious and chronic troublemakers from the general population. In fact, many corrections officials state that the mere threat of such units is preventative in nature—that many inmates who might otherwise be disruptive are not, due to their fear of placement there.

The fact that such facilities often are politically and publicly attractive (despite the considerable cost to build and operate them) also has had a role in their increase nationwide. They have become political symbols of how "tough" a jurisdiction has become. In some places, the motivation to build a supermax has come not from corrections officials, but from the legislature and—in at least one instance—the governor.

Definition

As supermax prisons have increased in number, been reported on by the media, and gained popularity with the public, a variety of names have emerged around the country to describe them. Special housing unit, maxi-maxi, maximum control facility, secured housing unit, intensive housing unit, intensive management unit, and administrative maximum penitentiary are but a few of the names used. The term "supermax" is the one heard most frequently in the media and in the field of corrections—the "generic descriptor." Yet, as learned from the NIC survey, the term is applied to a wide variety of facilities and programs handling an equally wide variety of inmate populations.

For purposes of this report, we will describe supermax as "a highly restrictive, high-custody *housing unit* within a secure facility, or an *entire secure facility*, that isolates inmates from the general prison population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from high-custody facility(s), or inciting or threatening to incite disturbances in a correctional institution." The term "facility" is used throughout this report for brevity to refer to either or both a *unit* within a facility or an entire *separate facility*. It is assumed that such a facility would be operated with the majority of services and programs provided at cell front that movement from the cell would be in restraints with multiple-officer escort, and that overall security would be the highest level available in an institution or the corrections system.

It is important for agencies to develop a working definition if they want to properly evaluate an existing supermax facility or if they are planning to build and/or operate one. Differentiating these programs from traditional segregation units is essential if they are to be planned and operated efficiently and defensibly. Ambiguity in definition inhibits the ability of the corrections profession to develop sound models that may be readily adapted across jurisdictions with relative assurance that they will meet legal challenges, humane expectations, and generally accepted professional standards. In actuality, formal standards (such as those promulgated by the American Correctional Association and American Bar Association for correctional facilities) do not exist for supermax facilities specifically.

Purpose

The combined best thinking of professionals who have administered, developed, operated, and/or planned such programs 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 to and release from such a facility should be explicit and narrow. The use of these facilities for problem inmates for whom lesser levels of control may be satisfactory may deprive them of freedoms, education, treatment, and work opportunities from which they could reap significant benefits and may subject them to pressures detrimental to their physical and psychological health.

Mixing disciplinary segregation and protective custody populations with extended control populations runs the risk of overkill in the custody and security provided to inmates who have traditionally been handled without such rigorous and expensive control features. Few inmates serving short disciplinary segregation sanctions require the 22-hour-plus lockdown status, the privilege reductions, and the multiple-officer movement practices that extended control units generally employ.

Admission/Release Criteria

Critical to developing a working definition for an extended control facility is determining who will be in it. "Extended control" suggests that inmates who have demonstrated that they are chronically violent or assaultive, who present a serious escape risk, or who have demonstrated a capacity to incite disturbances or otherwise are threatening the orderly operation of the general population institution may become target populations. Thought should be given to limiting the use of extended control housing to inmates who present a "clear and present danger."

In clearly defining the population that is appropriate for extended control housing, agencies should also identify housing and placement criteria for inmates for whom lesser levels of security and custody may be appropriate, including:

- those who are uncontrollable due to mental illness,
- the incorrigible who are subject to frequent disciplinary segregation,
- those in need of protective custody,
- those in need of administrative confinement for reasons that may require separation but not extended control,
- those requiring observation because of unacceptable or problematic adjustment.

Use of extended control housing for inmates who have only been situationally assaultive, or who commit minor (albeit frequent) infractions, or who cannot control their behavior due to mental illness will simply consume very expensive high-security beds with little overall operational impact.

Prison staff have always had to deal with uncooperative inmates. They continuously test the limits, frequently break minor rules, and consume an inordinate amount of staff time. As comforting as it may be to an institution staff to be rid of such persons, the use of costly high-custody beds for this population is probably not only inefficient, but arguably overkill. These facilities are inappropriate for the nuisance inmate.

Underlying the challenge of who to put in such facilities is the question of whether placement should rely solely on actual behavior or also include individuals who *could* be troublesome. Attempting to use predictive criteria based on subjective information has led historically to unsatisfactory and possibly indefensible results. Most agencies, therefore, base their criteria on objective behavior-driven information—although that behavior may include only the threat to commit or incite violence, or to escape.

In addition to the target population for which extended control housing is designed, consideration must also be given to the inmates other than the target population who may reside in the facility. Terms of definition are frequently applied to both the facility and the residents. Often, a labeling process takes place and inmates housed in supermax facilities are known, counted, and treated as supermax inmates even though they may be in a transition program or assigned to another program in the facility.

These facilities are inappropriate for the nuisance inmate.

In large extended control facilities in which a portion of the population is close or maximum custody—with some general population movement capabilities—all inmates are often viewed as supermax or at least more difficult than “regular” maximum-custody inmates in other facilities. They may even view themselves as supermax inmates, and staff may subject them to controls and surveillance well beyond what their particular status demands, ascribing to them levels of threat far beyond reality. Viewing inmates who are not actually in extended control status as such may be a self-fulfilling prophecy that diminishes progress or leads to a deterioration of behavior on the part of the inmates.

Release criteria must also be given serious thought by the agency operating an extended control facility. Whether based on explicit timeframes, behavioral expectations, or combinations of both, it is important that the inmate be informed as to the conditions under which he/she may be released. With the goal of safely transferring inmates to lesser custody as soon as feasible, facility and central administration staff should conduct regular reviews of each inmate to assess the necessity of retaining him/her in the extended control environment. This becomes even more essential as a sentence nears its end and the inmate may be released to the community.

Section 4. Operational Issues

Many management and operational issues gain heightened importance in extended control facilities. Some of these are:

- The criteria by which inmates are admitted to or excluded from the facilities,
- How inmates are managed,
- The services they are provided,
- The manner in which they are expected to behave,
- The amount of human contact they have,
- The allowable use of force and control of the use of force,
- The criteria and process for release from extended control.

The potential for abuse in an environment that prioritizes control of human beings, who by definition or in reality are the "worst of the worst," can be mitigated by thoughtful attention to the manner in which such facilities are operated.

The agency and facility mission and objectives, which include humane treatment, reduction of anger and violence, and reintegration into general population, should be clearly stated and affirmed in operations, programs, and staff training. The agency planning to operate such a facility, or evaluating its existing operation, should recognize the critical importance of the extended control mission and operational practices, including those discussed next.

Classification

Most prison classification systems have evolved over the last two decades from very subjective means of classifying inmates to relatively objective systems. This move toward objectivity has occurred mainly to avoid unbridled discretion and to incorporate into classification instruments the philosophical and policy preferences significant to the agency.

Typically the classification process will allow for

the orderly determination of the level of custody an inmate requires, based on criminal and behavioral history; the medical, psychological, and programmatic needs and limitations of the inmate; and the type of institution that can best meet those considerations. Objective classification systems have not only helped correctional agencies defend their placement decisions when challenged, but have helped them attempt to place individuals in the least-restrictive facility—and therefore presumably the least costly. Objective classification systems also generally provide inmates with a known path for moving to less secure facilities and incentives for behaving appropriately, working, and pursuing improvement programs.

It is therefore wise for agencies that are operating or planning to operate extended control facilities to assure that the process for identifying inmates for placement there is at least consistent with and preferably an integral part of the agency's classification process. This will probably assist in legal defense of the placements as well as help avoid the overuse—or inappropriate use—of very expensive housing. Inherent in using the classification process to determine an inmate's eligibility for extended control is that the criteria for admission are clearly articulated, non-ambiguous, and consistent with the agency's disciplinary process.

Many agencies operate under administrative rule or policy that provides a mechanism and authorization for placement of an inmate in administrative confinement or segregation when he/she is deemed to be a threat to the safety, security, or orderly operation of the institution. This is often a non-disciplinary status—that is, the placement is not a penalty with a determinate time affixed to it, but is based on a pattern or history of dangerousness or unconfirmed but reliable evidence of pending disruption.

With the advent of extended control facilities and specific criteria for placement, agencies should carefully consider what impact the need or requirement to provide objective or behaviorally based criteria for admission there would have on administrative segregation decisions. In many agencies, administrative segregation of an inmate who may be a threat to safety, security, or order is an approved remedy without application of

objective criteria or verified misconduct. Wardens periodically invoke this procedure as a preventative or protective measure based on strong belief that an inmate's continued presence in the general population may create a threat to safety and security. Following periodic reviews, segregation of such inmates may then be continued, despite exemplary behavior in segregation, because of the strong belief that the inmate's violent proclivities and/or intentions to harm others or threaten security of the facility when given the opportunity remain unchanged.

Hans Toch and Kenneth Adams, in *The Disturbed Violent Offender*, discuss the management of offenders who are viewed as having mental health deficiencies and who are violent. They differentiate between the *disturbed* violent offender and the disturbed *violent* offender. Herein lies one of the numerous classification difficulties related to the protection of others by segregation of offenders with a history and potential of violence. Diagnosis, prediction, risk assessment, and identification of causal factors to violent acting out often defy objective criteria and invite a significant degree of subjectivity. Prison administrators should be cognizant of that difficulty in defining admission, release, and length of stay criteria.

Once an inmate is placed in an extended control facility, specific classification review periods are advisable, either chronological or event-driven, or both. The reviews should provide the inmate with the opportunity to offer information that would lead to consideration of a reduced custody placement and to be informed of the conditions that must be met for such consideration.

It would be prudent to have the final authority for approving admission to, retention in, and release from an extended control facility rest at the highest levels of the organization. This would preclude—or minimize—potential abuse of the policy criteria for admission and release and also raise the level of organizational consciousness of the seriousness of such placements.

Programming

Decisions on what types of programming to provide and how should be well thought out. Obviously the more programs available to the inmates, the less vulnerable the facility will be to legal challenge and the more likely that inmates' negative reaction to isolation will be ameliorated. Programming for this purpose includes

education, work opportunities, exercise, and various other programs aimed at improving the inmates' behavior, knowledge, or skills.

It would be prudent to have the final authority for approving admission to, retention in, and release from extended control rest at the highest levels of the organization.

Education is provided in a variety of ways in extended control facilities around the country. Some agencies allow television in the cells and provide education or self-help programs through intra-institution cable. Some supplement this with instructors providing assistance through cell-front visits. Others allow small congregate classes in day rooms or special rooms in close proximity to the housing units. Some provide no educational programs at all.

Most allow no work activities, although they might provide some work opportunities in transition programs for inmates being prepared to leave the extended control environment.

Exercise in most extended control facilities is limited to three to seven hours (in one-hour intervals) per week, generally in an indoor space or small, secure, attached outdoor space. Usually exercise is provided to one inmate at a time and the inmate is escorted in restraints by two or more correctional officers to and from the exercise space. Congregate exercise occurs only in transition programs provided in some facilities.

Agencies evaluating their extended control facilities or planning new ones should pay close attention to exercise and how they provide it. It is a critical issue not only because of the human, health, and legal issues it presents, but for the staffing cost and security implications. The number of staff required to move each inmate from a cell to the exercise space and back three to seven times each week is considerable. As these events also constitute the most frequent time that the inmate is out of his/her cell, they also present the most likely opportunity for resistive or combative behavior or the exchange or introduction of contraband.

Most other types of programming offered in

extended control facilities, such as substance abuse treatment, anger management, and vocational training, are provided only through television, correspondence, or written materials. Several agencies operating transition units offer congregate programming, generally concentrating on education, substance abuse treatment, and behavior control (such as anger management).

Agencies planning or evaluating extended control facilities would be well served to thoughtfully address the provision of inmate programs. Legal, human, financial, and security implications attach to each of the choices made. The choices can range from an approach of no more programming than is legally required to provision of as much programming as resources allow, consistent with the security needs of the facility. The choices made will set the tone for the overall nature of the extended control environment and will inevitably have an impact on the quality of the program.

Religion

Providing for the inmate to practice his/her religion poses particular challenges to extended control facility administrators, since the entry of any person to the housing unit presents additional opportunity for the introduction of contraband. Agencies operating extended control facilities usually provide for religious programming through cell-front visits by staff chaplains; approved clergy; or, in some instances, approved religious volunteers. Several agencies provide religious services and information through closed-circuit television available in the cells. A few allow small groups of inmates to participate in congregate services, normally in or immediately adjacent to the housing unit.

Extended control facilities also tend to have somewhat abbreviated lists of approved religious articles that inmates are allowed to keep in their cells. Those planning such programs should review their intended religious articles allowance lists and try to strike a balance between actual security needs and the inmate's right to practice his/her religion.

Length of Stay

The length of stay in extended control facilities varies greatly across jurisdictions. Some agencies have determinate periods of time to be served, but most have relatively or wholly indeterminate placements. The amount of time served may depend upon the perceived risk the inmate presents, behavior changes, the amount

of time left in the inmate's sentence, changes in the inmate's physical or psychological condition, the inmate's willingness to renounce gang ties, or other factors.

The ongoing agency need for extended control beds requires some movement of inmates out of extended control. To the extent possible, such movement should be based upon clear criteria related to the factors that led to the inmate's placement there. While specific categories of offense or violation, such as homicide, may merit a far-distant date for possible return to lesser custody, most inmates should be considered for reduced custody in the shorter term. The development of release criteria that enable estimating length of stay is of practical importance in maintaining bed availability and projecting the agency's bed needs for operating and capital budget planning purposes.

It is critical that the agency planning or evaluating an extended control facility consciously address the length-of-stay issue. Duration of certain types of confinement, particularly if that confinement is atypical of the norm, has frequently been one of the yardsticks courts have used in evaluating the constitutionality of a program.

Presumably, once the threat that the inmate presented to other people or the orderly operation of the institution has passed, there is no need for him/her to be retained in an extended control environment. Ideally, specific criteria should be developed, along with a process for assessment, that would allow the inmate to transition from an extended control facility to lesser levels of custody and security. Many agencies provide several levels of control and privileges in the same facility, offering the inmate the opportunity to display the ability to adjust and behave in a less-controlled environment. Failure to provide some transition or release mechanism will not only create a sense of hopelessness among many of the inmates, but will cause the overuse of costly high-security beds.

Corrections professionals agree that, ideally, dangerous inmates should not be released directly to the community from extended control and that transition and pre-release programming would prepare them for reintegration. It is difficult, however, to balance the inmate's need for such programming with the agency's responsibility to provide a safe and secure work environment for its staff. An approaching release date seldom, if ever, changes the degree of threat to staff for

the better. Most often, inmates who are dangerous pose greater threat to staff as the term of control by the agency decreases. An agency's policies should address this very important but difficult issue.

Human Contact

One of the most frequent criticisms of extended control facilities is the degree to which the inmate is isolated from contact with other human beings. In the typical facility, cell doors, unit doors, and shower doors are operated remotely from a control center. Human contact may be limited to instances when medical staff, clergy, or a counselor stops at the front of the inmate's cell during rounds. Physical contact may be limited to being touched through a security door by a correctional officer while being placed in restraints or having restraints removed. The bulk of verbal communication may occur through intercom systems. Further minimization of human contact may result from the use of technologies such as cameras; remote listening devices; and remote control devices for televisions, water, and lights.



Care should be taken by those planning and evaluating extended control facilities to balance the need for security, safety, and efficiency with the need to provide adequate human interaction between the inmate and selected staff. Adequate visiting programs for approved visitors—albeit in non-contact visiting areas—can at least partially compensate for the absence of human contact in the housing unit. The frequency of

visiting varies greatly among extended control facilities, ranging from one hour to several hours per month. Some facilities tie the frequency of visits to the phase of the program that the inmate is in, with more frequent visits allowed as the inmate progresses through the phases.

Specific scheduling of different staff who check on the inmate regularly and provide some verbal interaction opportunity will help mitigate the "we/them" syndrome that is inherent to an extended control environment. Special training in techniques for communicating with this population is advisable for all staff.

Medical Services

One of the most vulnerable parts of any correctional operation is the medical care provided to an inmate population. The less freedom an inmate has to seek out medical assistance, the greater the burden on corrections officials to assure that adequate medical care is available and provided. Agencies planning or evaluating extended control facilities must assure that they adequately provide for routine and emergency medical care and that policies, procedures, and training assure that all staff are alert to actual medical problems and needs.

Logistically, providing appropriate medical care in an extended control facility is a special challenge due to the inability of the inmate to move unescorted to a central medical infirmary. Most facilities use a triage process for providing medical services, involving regular cell-front visits by medical personnel to administer medication and listen to inmates' medical concerns. Many facilities regularly schedule medical personnel to perform simple examinations in small exam rooms located in or near the housing units. More extensive medical examinations or procedures usually require movement to a central location within the facility, to a different facility, or even to a community setting. This requires a significant investment of custody staff time—generally two or three correctional officers accompanying the inmate, who is in restraints, at all times.

The inclusion of modern equipment and technology in the facility—such as specially designed video equipment that allows conducting medical examinations from a remote site (telemedicine)—has proven effective in some jurisdictions. Such technology can reduce the need for inmate transport and thereby reduce the cost of custody staff and enhance security.

Mental Health Services

Prominent in recent legal challenges to extended control facilities are issues around the provision of mental health services. As the percentage of mentally ill offenders represented in correctional populations has grown over the last decade, corrections systems have had to deal with a wide range of mental illnesses and disorders, frequently without adequate resources. Inmates displaying self-destructive, assaultive, or aberrant behavior often end up being treated solely as disciplinary cases and, in many corrections systems, become prime candidates for extended control. Other inmates become mentally ill while in the extended control environment.

Most corrections officials will agree that the inmate with multiple diagnoses (for example, mental illness, addiction, and violence) poses significant problems in the orderly operation of a prison. It is an unfortunate circumstance that housing, program, and offender management decisions must often be based on options available (driven by the agency's resources) and system needs (safe, secure, and orderly operations), rather than through a prioritization of the multiply diagnosed offender's needs. An offender with a serious history of violence and current propensities that suggest probable reoccurrence of such behaviors might possibly be housed in an extended control environment—absent the availability of a secure mental health treatment unit.

Agencies with extended control facilities manage this population in different ways. Some—generally larger agencies that have the numbers to support consolidation—have created separate segregation units specifically for offenders diagnosed as mentally ill. Others attempt to provide services within the extended control facility. Yet others exclude mentally ill offenders from placement there, at least those who have been clinically diagnosed and/or are receiving psychotropic medications. It is important that prison officials examine their options in managing inmates with special needs.

If extended control becomes the housing of choice (or of necessity) for these populations, care must be taken to assure that services are provided to address their needs. It is critical that, at a minimum, provision is made for mental health professional staff to regularly visit each inmate housed there to assess for signs of mental illness. Provision then must be made to assure that treatment is available in the facility or elsewhere.

Security measures in most extended control facilities make such assessment and treatment programs difficult and expensive. To facilitate recognition of symptoms of mental illness, early referral, and proper management, many agencies are now providing basic mental health training to correctional officers.

Insofar as possible, mentally ill inmates should be excluded from extended control facilities. Each inmate being considered for such a facility should have a mental health evaluation. Although some mentally ill offenders are assaultive and require control measures, much of the regime common to extended control facilities may be unnecessary, and even counterproductive, for this population.

Food Service

Correctional administrators have learned over the years that providing adequate, nutritionally balanced, properly cooked food is essential—both for the successful management of a prison and to meet constitutional minima when conditions of confinement are challenged.

Extended control facilities provide the ultimate correctional food service challenge. Normally meals are prepared remotely from the extended control housing unit(s). They then must be moved to the housing units and distributed to each cell. A variety of cart and tray



systems are currently in use, but all are staff intensive and time consuming. Care must be taken that food is maintained at the proper temperature and that proper hygiene precautions are followed during distribution and cleanup. In most facilities this burden falls entirely on staff—normally the custody staff—and can be a daily source of conflict and resistance if the food and/or procedures are inadequate.

All of the other complexities of correctional food service should also be considered by those evaluating an extended control facility or planning a new one. These include quantity and quality control, religious diets, medical diets, and presentation. Adherence to normally accepted dietary standards should be maintained, and food service and facility managers should monitor this.

Property

The property an inmate is allowed to possess always poses a challenge for prison administrators, but even more so in extended control facilities. On one hand, allowing the inmate to maintain certain types of property (such as a television, radio, and recreational reading materials) would help mitigate the absence of other stimuli. The more property allowed, however, the more difficult it is for staff to conduct thorough searches. A large amount of property in housing units makes the introduction and concealment of contraband much easier. It may present a fire hazard, as well as make maintenance of sanitation standards more difficult.

Careful evaluation of property to be allowed should strike a balance between the security, safety, and sanitation needs of the facility and a property allowance that supports reasonable human dignity. Particular attention must be given to items that could present a security threat: razors, pens, matches, etc. Agencies vary widely in what and how much they allow. Some allow commissary purchases, some allow them only after certain phases of the program have been completed, and some disallow such purchases entirely. Critical to planning or evaluation efforts is that such decisions must be commensurate with the level of risk presented by the specific population of the facility.

Hygiene and Sanitation Issues

Inmate personal hygiene and cleanliness of the facility are important when planning or evaluating extended control options. Most facilities have toilet and washbasin fixtures in each cell and showers located

centrally within the housing units. Two or more correctional officers move inmates individually in restraints to the shower (normally three or more times per week). This is a staff-intensive process that presents an opportunity for resistance, combativeness, or contraband introduction. Recent designs for extended control facilities include a shower in each cell with the water remotely controlled, thereby eliminating the need for staff-intensive escort to central showers.

Incentives, disincentives, or both should be incorporated as part of the facility's policies to encourage inmates to maintain acceptable levels of sanitation in their cells. Policies should be developed to govern the distribution of materials and equipment to inmates for cleaning their cells.

Efficient, hygienic laundry services must be available, and routine linen and clothing exchange procedures maintained and monitored. Excess linen and clothing in the cells becomes both a sanitation and facility budget issue and makes it difficult to conduct good cell searches.



Sanitation of other parts of the facility and other hygiene issues must also be taken into account. Since extended control inmates are restricted to their cells

unless in restraints and under escort, they cannot perform cleaning or other facility maintenance work in common areas that inmates in a general population prison would typically do. Accommodation must then be made for staff to maintain these areas.

Security

Security issues clearly become the focal point of most extended control facilities. If indeed the inmate population held there is limited to those who have *had* a propensity for violence or escape, or who pose a threat of disruption within a prison, then strict control of all materials, information, and personnel entering or leaving the facility becomes crucial to its orderly and safe operation.

Many security issues are dependent upon the physical design, and proper design can go a long way in mitigating many security problems. However, the greatest contribution to a sound security program is an alert, well-trained, professional staff. With few exceptions, escapes, disturbances, and homicides in extended control facilities were the result of human error.

The routine inherent to these facilities can become disarming, leading to potential breakdown in critical procedures. Some agencies, by policy or scheduling, attempt to lessen the effects of routine by rotating staff in the housing units, between units, or into other parts of the facility. Frequent shakedowns of the cells and areas of the facility that inmates may use are essential and require extensive staff training and supervision if they are to be conducted properly.

Technology can contribute to a sound security program. A variety of options are now available for staff and visitor screening, and new types of scanners and detectors for examining property and mail. New types of perimeters, security doors, and control mechanisms can enhance security. Particular attention should be paid to those technologies that not only qualitatively improve the facility's security, but also reduce staffing requirements.

Policies and Procedures

Particularly critical to the operation of extended control facilities are policies that enumerate *what* must be done (or not be done) and procedures that dictate *how* things should be done. The policies should clearly state the correctional agency's philosophy and expectations

for the operation of the extended control facility, along with explicit procedures for how and when which things should be accomplished.

Staff must be thoroughly trained on policies and procedures that apply to them and be aware of who, if anyone, can make exceptions. The policies should elaborate on the behavior expected of both staff and inmates, as well as *between* staff and inmates. Operational difficulties in the past generally were the result of inadequate policies and procedures, failure to adequately train staff, or both.

Communication of changes in policies and procedures must be quick and thorough. As in other correctional settings, the legality of operations in extended control facilities will be measured against the facility's or agency's own policies and procedures and whether staff performance is consistent with those policies and procedures.

A formal, official, frequent, and ongoing updating of policies and procedures is essential. Informal exceptions, handwritten modifications, and memoranda at variance with existing policies or procedures quickly render them ineffective, if not useless. If operations or incidents are challenged in court, the facility's policies and procedures will become its greatest ally or greatest adversary.

Routine security audits are excellent tools to ensure compliance with established policies and procedures. A comprehensive audit program and well-designed system checks that assess staff response, equipment, and operational practices will help assure a strong security system. Such a program will also maintain the knowledge and skill levels of the staff and reinforce their attentiveness.

Use of Force

The use of force is inevitable in extended control settings. Care must be taken in planning or evaluating these facilities to ensure that policies and procedures, techniques, philosophies, and controls of the use of force are thoroughly analyzed. Although a few agencies have officers in control booths armed with firearms and/or gas, most rely on higher numbers of staff as their primary means of physical control, supplemented by a variety of nonlethal weapons.

A case can be made that force is used each time an

inmate is moved out of the cell. Typically, two or more officers handcuff the inmate (often supplemented by leg or waist chains) before he/she is allowed out of the cell. The inmate is then moved under the supervision of two or three officers—in some agencies by hands-on escort—to the destination point. Such instances are referred to as routine use of force.



Other uses of force that must be anticipated include cell extractions; controlling self-destructive behavior; and dealing with combative, resistive, and assaultive behaviors. Although few facilities have experienced large-scale disturbances, all must be prepared for such an event and be able to respond with specialized, well-trained tactical teams.

Critical to use-of-force planning or evaluation are policies and procedures that clearly articulate what level of authority is required for each level of force used, the steps that must be taken to reduce or eliminate the need for using force, the type of force to be used, and the steps to be taken once the force has been applied.

Operational policies should require 1) thorough documentation of the use of force through written reports by each staff member present during the use of force, 2) videotaping of each planned use of force, 3) periodic debriefing and examination of practices with involved staff, 4) regular review of all use-of-force incidents by facility administrators, and 5) mandated review of documentation and videotapes of specified levels of use of force by higher authority.

Some agencies are now installing constantly operating panoramic video cameras in their housing units and corridors, taping everything that occurs there. This not only acts as a control measure to prevent abuse or violation of policies and procedures, but documents staff and inmate activities to forestall unfounded claims by inmates.

Documentation

Routine documentation of the activities and events in extended control facilities, including videotaping cell extractions or other planned uses of force, is essential for several reasons:

- It allows supervisory and administrative staff to monitor the day-to-day performance of staff.
- It reinforces staff observance of policies and procedures and the need for performing certain tasks and activities.
- It creates a record of the completion of required tasks and exceptions to the normal routine that can be used in the event of a legal challenge.
- It allows continuity and communication across work shifts.

It is particularly important to consistently document hearings; use of force; medical and dental services provided; mental health evaluations and contacts; and access to personal hygiene facilities, exercise, and religious and legal resources. It is critical that staff document an inmate's refusal of a proffered service or opportunity, such as a meal, medical or dental care, use of facilities and resources, etc.

Section 5. Staff Issues

Personnel Characteristics

Corrections officials who have operated extended control facilities agree that, ideally, staff should possess the characteristics of maturity, intelligence, and good judgment, and—at least for custody positions—be physically capable of performing the rigorous duties required of them. They should be even-tempered, consistent, and capable of respecting diversity in the inmate population. The difficulty of working day-to-day in an environment that is a mixture of repetitive routine, unscheduled incidents, and physical/personal challenges requires that the staff be uniquely adaptable to working in an abnormal setting with persons who present inordinate adjustment and management problems.

Agencies vary in the types of pre-employment testing they require. Ideally, such testing would include medical examinations and tests for physical agility, psychological fitness, use of illegal drugs, and special knowledge and skills. Certainly the high-security nature of these facilities requires thorough background investigations.

Recruitment and Selection

Most professionals agree that the staffing of an extended control facility is the single most important factor in ensuring safe, secure, and humane operations. Although the ability to be highly selective in assignment of staff is very important, it is not always possible because of limitations that may include bargaining agreements, an existing staffing complement, or a requirement to hire displaced staff.

Although some managers prefer to hire new staff and provide them intensive training rather than rely on experienced staff who may have "bad habits" developed in other settings, it is difficult to justify assignment of inexperienced staff to work with the system's most difficult inmates. Most new staff, with or without intensive training, will have difficulty in an extended control environment, and many will "opt out" through resignation or when transfer becomes available to them. Initial assignment to extended control may result in the loss of new staff who otherwise may have promising career potential. An agency should also recognize that the assignment of inexperienced staff to such critical

posts may subject them to safety and security risks they can ill afford to take.

Assigning staff to an extended control facility strictly on a seniority basis is also troublesome because seniority (or lack of it) may not relate in any way to requisite interest, temperament, skills, knowledge, and experience. Agencies should be especially mindful of the risks inherent in staffing a unit with predominately low seniority workers, as can happen when seniority prevails and segregation work is unpopular. In such instances, a mismatch of skills, experience, interest, and temperament can negatively impact the operation of the facility and can create a dangerous situation, hinder the adjustment of the inmates to difficult conditions, result in staff turnover, or be detrimental to staff's physical and psychological health.

Agencies should consider establishing special eligibility requirements or, perhaps, a special employee classification for extended control workers that would require successful completion of a specialized training program before regular or relief assignment to extended control posts. In addition to familiarizing staff with the dynamics of violence and disruptive and/or antisocial behavior, such training should prepare them to communicate regularly and positively with inmates in an environment that is structured to make such communication difficult. Selecting staff who choose to work in extended control and have prepared themselves and acquired special knowledge and skills will pay great dividends as opposed to staffing the facility through seniority, rotation, or with those considered the "toughest of the tough."

Many of the extended control facilities built in recent years are located in rural areas far from metropolitan centers. This creates extraordinary challenges in recruitment and retention of staff, particularly in specialty areas such as physicians, dentists, and mental health professionals, and may require recruitment efforts and flexibility in employment practices that are beyond standard practice.

Achieving a diverse workforce is also more difficult when the facilities are located in relatively isolated areas. However, it is important, if not essential, that an

agency ensure by whatever means necessary that an appropriate racial, ethnic, and gender balance is achieved and maintained. Agencies that have required gender balance and provided training to ensure understanding of professional and operational expectations of both men and women have found that gender balance "softens" the environment and encourages the development or maintenance of positive social, hygiene, and behavioral practices by inmates. Racial and ethnic balance is critical in the minimization of anger, creating perceptions of fairness, providing equity in interpersonal dialogue with under-represented inmate groups in the population, and maintaining cultural sensitivity. Although recruiting, hiring, and retaining minority staff for extended control work is difficult in some jurisdictions, specialized training and a special employee classification could prove helpful.

Care must be taken to assure that all personnel in an extended control facility are thoroughly trained....

Training

Training, which is crucial to any correctional operation, is especially critical for staff working in extended control facilities. Custody staff in particular must perform their duties in an environment in which inmates by reputation—and frequently in reality—are combative, assaultive, or threatening.

Staff must work together and be able to rely on each other to a greater degree than in most other correctional settings. Regular counts, feeding, handling of correspondence and property, delivery of medications, providing escort, and performing cell searches all require specific knowledge and attention to detail. Staff must be able to handle their responsibilities consistently and professionally. Failure to properly restrain an inmate, perform a thorough pat search, or operate control panels precisely can lead to disastrous results.

Only quality training and regular refresher courses can provide the skills essential to carry out these duties in a professional manner and ensure that bad habits are not passed along to new staff members. Top performance levels can only be reached through thorough orientation and basic training, solid on-the-job training with competent supervision, and annual review/refresher training.

Care must be taken to assure that all personnel in an extended control facility are thoroughly trained in security procedures and requirements and facility operations philosophy, as well as their own job skills. It is particularly important that training be provided to ensure that staff understand the documentation that is required in all aspects of the extended control operation. Cross-training of individuals so they can perform in a number of posts increases the flexibility of the custody staff and enhances their understanding of the total operation. Specialized training also should be planned for special operations teams, search and shakedown teams, emergency medical response teams, and cell extraction teams.

Stress

Many corrections professionals who have operated or administered extended control facilities express concern that the unique challenges of these facilities can create a great deal of stress for the individuals who work there. A very stressful environment is created by much of the work day being extremely routine while emergencies can occur instantaneously, staff being challenged verbally and/or physically by inmates, and so much emphasis on security and control.

Agencies operating extended control facilities attempt to mitigate the impact of this environment in a variety of ways. Some require rotation of assignments within the unit or facility, some require periodic rotation out of the unit or facility, and others rely on training and stress reduction classes to help employees handle the work environment.

Bargaining unit contracts in some jurisdictions inhibit or prohibit the rotation of staff between shifts, posts, units, or facilities. Agencies that are planning extended control facilities should evaluate existing contracts or agreements and attempt to develop the flexibility to allow management to rotate staff. Contracts should also include provision for staff to have access to counseling, particularly after traumatic incidents such as necessary use of force.

Leadership and Supervision

Integral to the operation of a quality and legally defensible extended control facility are strong, technically competent, and professional leadership and supervision at all levels—from the line-level supervising custody officer to the administrators of the agency.

Administrators at the central agency level must assure that thorough policy guidance is provided to set the parameters for the operation of the facility. Policy must clearly outline who will be considered for admission to the facility; what authority may allow such a placement; what reviews will occur, how often, and by whom; and what the release criteria are and who approves. Central agency administrators should also establish a process to review the policies and procedures developed at the local level and to regularly review use-of-force incidents. They also should, on a regular basis, personally review the operation of the facilities onsite to assure that the policies and procedures are indeed being followed.

Administrators and managers at the local level (superintendents, wardens, and their delegates) must assure that the local policies and procedures are consistent with central agency policies and are sufficiently thorough to provide clear guidance to staff working in the extended control facility. It is also incumbent on local managers to observe operations—routine and exceptional—on a regular basis. They also have the responsibility to assure that training time and resources are available, that training is thorough and consistent with their own policies and procedures, and that the training is relevant to the effective and efficient operation of the facility. Local managers must also ensure that support services are coordinated and functioning at a level that permits proper delivery of services to both inmates and staff.

First- and second-level supervisors have critical roles in the proper operation of extended control facilities. They must assure, on a day-to-day, moment-by-moment basis, that the staff know what to do and

how to do it. They must see to it that routine tasks are indeed routinely accomplished, yet be able to take an onsite leadership role when incidents occur. Comprehensive training is imperative for this segment of the staff also, as they must be thoroughly knowledgeable of and understand the policies and procedures and how to implement them. In addition, they must be well trained in the supervision of subordinates, crisis management, and use-of-force techniques.

Non-custody staff must also be selected and trained to provide leadership and supervision over their particular specialties. Medical, dental, food service, mental health, religious, program, maintenance, and other support staff must provide leadership and technical knowledge in their areas of expertise to create balance in the facility operation. They must also be thoroughly grounded in knowledge of the mission of the facility and understand and accept the safety and security requirements of the operation.

If the extended control facility is to avoid common pitfalls, it is incumbent on administrators at all levels to think through, adopt, and implement consistent policies, procedures, and behaviors that promote professional operation of these very demanding and challenging places. If successful, the agency may be able to avoid, or at least reduce, the risks of the "we/they" syndrome between the staff and inmates. If quality leadership and supervision are absent, the program is likely to face major problems and probably litigation.

Section 6. Siting, Design, and Construction Issues

Co-Located vs. Separate

Jurisdictions in the planning stages of developing an extended control facility should give a great deal of thought to their decision to either co-locate it with another correctional institution or to site and build a separate facility. Extended control facilities in operation are sited in both ways and in variations of those ways.

Co-location, either through renovation or new construction, usually offers several advantages: less public resistance to the siting process, existing utility extensions and agreements, opportunity for staff at the parent institution to oversee the renovation/construction phase, and availability of logistical support once the new facility is in operation. Co-location also may offer the advantage of a ready source of experienced staff, facilitate rotation of staff from extended control to less stressful units, and provide greater backup capability in an emergency. Those critical of co-located facilities suggest it is difficult to maintain the high level of security and custody when lower custody programs are at the same location.

A separate stand-alone facility at a different site may mitigate that fear. It allows for a "brand new beginning" in the startup of the program and allows for all elements, from security features to housing units to support areas, to be designed in support of the extended control program. However, transition programs within the facility can have an effect similar to having lower custody programs co-located.

Site Selection

It would be desirable to locate extended control facilities in or near urban areas to facilitate recruiting and maintaining a diverse workforce; recruiting specialty staff and services (medical, dental, and mental health); and reducing logistical costs associated with such things as transportation of people and supplies. Many corrections officials advise against urban sites, however, suggesting they create greater visibility and uninformed criticism of the program, greater public resistance to siting, and a greater threat (real or perceived) to security.

Rural sites have become more of the norm in recent years, as the building of correctional facilities is seen by smaller communities as a means of enhancing the local

economy with an "industry" that is relatively environment-friendly and stable. Locating in a community that is accepting rather than resistant is desirable for any endeavor, public or private.

Before initiating a siting process for an extended control facility, agencies should address the issues of staff recruitment and retention; transportation; access to medical, law enforcement, and fire services; availability of affordable housing; and environmental impact. Siting often becomes a political decision with little regard for pragmatic correctional issues, but corrections officials should at least document their concerns.

Design Issues

The designs of extended control facilities vary greatly, and many agencies with newer facilities have borrowed design ideas from earlier models. As in all new construction, the design should be heavily based on the mission of the facility. Considerations in defining the mission should include the profile of the target population; custody requirements; planned programs and services; the facility's relationship to other parts of the corrections system, particularly in matters concerning reception and release; and if transition programs will be housed in the facility. Once these elements are defined, technology requirements and housing, program, and shared spaces can be determined.

An agency should carefully consider the number of extended control beds that are or will be needed. Officials should avoid the approach that "more is better" and limit the size of the facility to the number of beds essential to the management of dangerous inmates for whom no other viable means of control is available. Overbuilding extended control capacity—which will be used by some profile of inmate in this era of burgeoning prison populations—may cause problems operationally and legally as the agency attempts to house inmates in an extended control environment who do not require that level of custody or security. Once constructed, it will be difficult, if not impossible, to use the facility without the intensive staffing characteristic of extended control operations.

Most extended control facility designs incorporate single cells; a relatively small number of cells in each

pod; and a remote central control booth that electronically operates cell doors, shower doors, unit doors, and any number of other functions in several pods. Some new facilities, though considered supermax, are designed for double-celling, which suggests that the target population requires a lesser level of custody than that required by a true extended control population. If the target population is suitable for double-celling, the planning agency should consider whether a lower level of control that is less costly than extended control may be appropriate.

In planning new facilities, inclusion of relatively inexpensive technology can provide amenities that can become incentives for good behavior and support health, safety, and security. Secure, built-in intercoms, radios, and monitors with which to communicate with inmates and provide educational, religious, and treatment programs and access to legal information and current events are among the possibilities for humanizing a sterile environment. Although an agency may choose to provide few programs to inmates in extended control, consideration should be given to including program delivery capabilities in design and construction to accommodate necessary modifications in future years based on changing needs, court decisions, or policy revisions.

If transition programming is to be provided, the design should include adequate day room, program, recreation/exercise, and other shared spaces to facilitate progressively greater freedom of movement for inmates. Housing, programs, out-of-cell opportunity, and staff interaction should all demonstrate that the inmate is making progress, but sufficient custody should be maintained to ensure safety. Space separation from the extended control housing should be apparent and should clearly distinguish transition inmates and staff who supervise them from extended control inmates and staff.

Most extended control designs significantly "harden" and limit the number of access and egress points on the perimeter. Support services are generally near but remote from the housing units. Some designs include an inner perimeter that allows lower custody inmates, normally from an adjacent institution (but possibly inmates in transition programs housed in the extended control facility), to provide support such as food, library, maintenance, and sanitation services but without contact with the extended control inmates. Space for some support services and activities, such as attorney and family visiting areas, hearing rooms, medical examination rooms, and counselor and supervisor offices, is often provided in immediate

proximity to or in the housing pods.

Space designed for administrators and managers varies, but normally is split between an "outside" administration building to house support personnel who ordinarily do not have routine inmate contact and "inside" administration areas for staff providing direct inmate services. Limiting the number of staff who enter the secure perimeter to those essential to the daily operation of the institution lessens the potential for security breaches and reduces staff security processing time.

Critical design decisions faced by planners—with varying choices being made—include cell size, windows (or not), types of cell fronts and doors, locking and control systems, types of electronic systems on the perimeter, special relationships of support services, training space for staff, program space (if any), congregate recreation and/or exercise space (if any), and many others. It is important that the experience of extended control managers in other agencies be considered and that policy and operations issues be addressed before planning and design. Poor decisions up front inevitably lead to extensive retrofitting or remodeling at a later date, increased operating costs, and the potential for weakened security.

Agencies planning new facilities should try to avoid designs that are so "tight" that they restrict additions or changes to the facility in the future, when correctional needs may change. For example, some extended control facilities contain little or no space for programs, based on the assumption that the type of population they will house will not be allowed to participate in congregate programs. In the future, either due to court decisions or different system needs, they may encounter serious and probably very costly problems in attempting to meet new challenges if the design is so inflexible as to preclude additions to the original facility.

Construction Costs

During the past decade, the costs of operating prison systems have increased dramatically due to increasing numbers of inmates, new prison construction, and the swelling ranks of corrections staff. As the share of a jurisdiction's budget dedicated to corrections increases, so does attention to correctional operations. This has often resulted in a reduction of critical services.

Construction of extended control facilities is very costly due to the need for high-security components: elaborate perimeters; high-security doors, hardware, and locking systems; heavily fortified walls, ceilings, and floors; and sophisticated electronic systems in master and unit control rooms. Although construction costs are high, they are dwarfed by the costs to staff such facilities over a period of years. Virtually all inmate services, maintenance, and sanitation work are provided wholly or in part by corrections staff in these facilities.

Cost-benefit analysis of construction methods, materials, and equipment and visionary planning of space needs and use are essential in all construction planning. While use of lower-grade materials and equipment, reduction of core space to the minimum footage feasible, and not "footprinting" in space for possible other uses in the future have enabled agencies to reduce initial construction costs, these approaches to cost containment have resulted in significant maintenance, replacement, and retrofitting costs later. A footprint that includes space for expansion, alternate use, or addition of program modules adds little to construction costs and can produce great savings in future years.

Implications for Operating Costs

In most jurisdictions, operating costs for extended control facilities are generally among the highest when compared to those for other facilities. Facilities that have similar or higher costs tend to be other specialized ones, such as medical or psychiatric facilities.

The location of the facility will contribute to operating costs. Facilities that are distant from supplies and services will ordinarily have greater operating expenditures due to transportation-related factors. Transporting inmates to and from the extended control facility, courts, and community medical services will be more costly.

Design factors will also influence operating costs. The number of inmates per unit, per pod, and in the total facility and the number of staff required to provide adequate security and services are all design-related issues. The number of officers required to staff control centers, monitor housing units, provide escort within and outside the institution, and provide internal and external security will affect the operating costs.

Facilities designed with clear sight lines may be able to operate effectively with less staff than those with

obstructed views. Those with showers in the cells may be able to operate with reduced custody staffing as a result of a significant reduction in the number of out-of-cell escorts. Some agencies have been able to reduce the number of security staff through use of video cameras and other electronic equipment, this being particularly effective when their use is incorporated into the original facility design.

One particularly critical factor that has a significant impact on operating costs is the design of the perimeter. Whether (and how many) towers are incorporated has long-term operating budget implications. Maintaining coverage in one tower seven days per week, 24 hours per day requires approximately 5.3 full-time employees. Obviously, staffing multiple towers would consume significant portions of the facility's operating budget.

Agencies operating extended control facilities vary in their response to this issue. Some have chosen towers. Others have chosen lethal fences and few, if any, towers. Yet others rely on heavily "wired" fences with a variety of electronic alarm systems, with or without towers. Those that opted for the fewest towers typically placed the tower(s) at the vehicular or pedestrian entrance, or both.

Further Considerations

Before (or during) planning or designing an extended control facility, the planning team should observe extended control operations in several jurisdictions. It would be most helpful if those jurisdictions share the same philosophy regarding extended control and operate a facility of the approximate size anticipated.

The visiting team should discuss the strengths and weaknesses of various design features with managers and line staff at the operating facilities. Asking them, "What would you change if you could?" may produce helpful design tips.

To help assess the impact of the design on operational efficiency and costs, the team should review the staffing pattern, post orders, and policy and procedure manuals. The type of inmate misconduct that is most common may also help identify possible improvements in the design and operations. Issues related to constitutional conditions of confinement, including cell size, exercise space, natural light, and air exchange, should be carefully studied.

Section 7. Summary, Conclusions, and Recommendations

Correctional philosophies shift over time, fads are born, and trends evolve. Large linear prisons emphasizing large industrial plants were the norm up to the 1950s. Smaller prisons emphasizing education and treatment emerged in the 1960s only to be replaced once again by large prisons in the 1980s and even larger prisons in the 1990s. Some of the recent fads and trends include boot camps, privatization, lethal fences, chain gangs, removal of exercise weights and other privileges, sex offender treatment, and inmate co-pay for services. Some of these gained prominence due to political attractiveness, and some because they do present partial solutions for today's correctional problems.

Typically, "new" programs in the field of corrections are not based on extensive research. Some are born out of emerging needs; some are created in reaction to a crisis or emergency; others are the result of political agendas. It would seem that the "supermaxes" have emerged from a blend of these influences, depending on the jurisdiction.

It appears that the purest intent of supermaxes around the country is to isolate inmates who through behavior—or threat of such behavior—are dangerous or chronically violent, have escaped or attempted to escape from a high-security correctional facility, or have incited or attempted to incite disruption in a correctional facility. The physical facility or unit and the program implemented there isolate these individuals in a highly restrictive setting for the primary purpose of protection of staff, other inmates, and the community. The purpose of such facilities is not, or should not be, to exact additional punishment. Nor should such a facility be used as the repository for inmates who are simply bothersome, self-destructive, or mentally ill; who need protection; or who have an infectious disease.

The extended control facility in its purest form is operated with the assumption that the inmate placed in it must be denied access to people that he/she might harm, to the opportunity to incite disturbances or disrupt the operation of a correctional facility, and to materials with which he/she may harm self or others. Some agencies do place many other types of inmates in these facilities. The questions an agency may wish to ask before expanding the criteria beyond the very limited ones, or in planning, building, or operating a new facility, include:

- Do we want to risk the possible legal challenges that may accompany the expansion of placement criteria beyond what is absolutely necessary?
- Do we want to incur the significant expense of placing inmates in extended control who do not actually require that level of control?
- Do we want to subject inmates to the severe and rigid conditions of extended control if they do not clearly meet the narrow criteria for placement there?
- Is a policy of "concentration" rather than one of "dispersal" in the best interest of our agency?

When a jurisdiction has decided to operate an extended control facility, the questions of what to allow (or deny) in programs and services become critical, as do the issues of staffing, staff training, supervision, and administration.

Analysis of existing and planned extended control facilities and a review of concerns and experiences regarding them suggest that the field would benefit from implementation of the following recommendations.

- Initiate research on the effects of such facilities on the inmates housed in them, to include the impact of varying lengths of time and the availability (or absence) of a variety of programs.
- Initiate research on the impact of such facilities on the personnel who work in them.
- Evaluate the options that agencies might use to more effectively manage some types of inmates who they currently place or plan to place in extended control.
- Evaluate more thoroughly the impact of these facilities on the correctional agency and its other facilities.
- Create cost-benefit analysis capability to better assess the value returned by these facilities.
- Adopt a universal definition of the population that would be housed in extended control facilities.
- Develop professional standards specific to extended control facilities that provide a template for agencies to follow in the areas of policies and procedures, training, staffing, and program and service provision.

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Appendix. Checklist of Considerations for an Extended Control Facility

The checklist that follows identifies many of the important factors relevant to extended control facilities. It may be used in several ways.

- To help frame discussions about whether an extended control facility is needed or appropriate.
- To lead decisionmakers in discussion of critical policy issues that should precede planning or design of an extended control facility.
- To assist in the development of a program statement and plans for a new extended control facility.
- To guide correctional decisionmakers in the process of designing an extended control facility.
- To assist in the development of an operations plan for an extended control facility.
- To assess current extended control operations.

Although the checklist is not exhaustive, it will help broaden the user's considerations regarding extended control facilities.

Issue	Yes	No	Comment
Agency Policy			
1. Has a decision been made to concentrate, rather than disperse, high-risk inmates?			
2. Is the agency's philosophy concerning the management of high-risk inmates and the operation of extended control facilities clearly articulated in policy?			
3. Have a clear definition and criteria been adopted that describe the "high-risk inmates" who may be considered for placement in extended control housing?			
4. Will the facility house inmates of lesser custody than "extended control"? <ul style="list-style-type: none"> • If so, have such levels of custody been clearly defined and differential movement regulations, staffing requirements, etc. been determined? 			
5. Will inmates diagnosed with mental illness be placed in the facility if their conduct meets extended control placement criteria? <ul style="list-style-type: none"> • Will those receiving psychotropic medications be admitted? • If so, will they be housed in the same unit/area as other inmates? 			
6. Have gender issues been considered and housing identified for women in extended control status?			
7. Has clear differentiation been made between disciplinary segregation, administrative segregation, protective custody, and extended control status?			
8. Has length of stay been addressed? <ul style="list-style-type: none"> • based on precipitating incident(s) and history? • based on extended control conduct? • a fixed time determined at or prior to placement? • other criteria? _____ 			
9. Has transition programming been considered? <ul style="list-style-type: none"> • within the extended control facility? • upon transfer to an alternate site? 			
10. Has consideration been given to what programming will be offered in the extended control facility, including where and by whom?			
11. Has consideration been given to the regimen for female inmates in extended control as compared to that for male inmates?			
12. Does policy require agency review and approval of all extended control facility policies, procedures, and regulations?			
Admission and Release			
1. Is authority for approving placement in and release from the extended control facility explicitly stated in agency policy?			

Issue	Yes	No	Comment
2. Does approval or review of placements occur at the upper administrative levels of the agency?			
3. Does agency policy require periodic review of the extended control status of each inmate placed there?			
4. Are policies and procedures governing extended control placement and release explicit and clear?			
5. Are inmates provided information enabling them to anticipate a date of release from extended control and the criteria governing their release?			
Classification			
1. Can the classification system be modified to identify inmates meeting the criteria for extended control placement while maintaining its structural integrity?			
2. Have objective classification criteria been identified that will govern extended control placement and release?			
3. Are the criteria for override of classification recommendations clearly stated?			
4. Does the authority for override of classification decisions concerning inmates in extended control status reside in upper levels of agency administration?			
5. Do classification policies and procedures require periodic review of extended control inmates and provide opportunity for inmate input?			
6. Does the classification review team include a central office representative(s)?			
Programs			
1. Is congregate programming permitted for inmates in extended control status?			
2. What programs are offered in extended control units? <ul style="list-style-type: none"> • anger management? • education? • addiction (drug and alcohol)? • cognitive restructuring? • other? _____ 			
3. What programs are offered in the transition program (if applicable)? <ul style="list-style-type: none"> • anger management? • education? • addiction (drug and alcohol)? • cognitive restructuring? • other? _____ 			

Issue	Yes	No	Comment
4. Is in-cell communication technology provided to facilitate in-cell program delivery (intercom, radio, tv/ video monitor, etc.)?			
5. Are community volunteers permitted to participate in program planning and delivery?			
6. Is completion of programs a criterion in release considerations?			
7. Are inmates provided written information concerning programming expectations and the potential relationship to release decisions, when appropriate?			
8. Is a program provided to mitigate possible damage to inmates due to absence of human contact over a period of time?			
9. Is a specially designed program provided for inmates who will be released directly to the community from extended control status?			
Siting, Design, and Construction			
1. If planning an extended control facility, has co-location vs. a separate facility been considered and have cost and efficiency comparisons been made?			
2. If planning an extended control facility, will the site being considered be an asset to, or detract from, the efficiency and effectiveness of the operation?			
3. Will the site of the extended control facility allow for recruitment and retention of qualified staff who reflect the ethnic and gender diversity of the inmate population? <ul style="list-style-type: none"> • correctional officers? • medical staff? • mental health staff? • program staff? • support staff? 			
4. Is backup community medical care readily available within a reasonable travel/response distance of the site? <ul style="list-style-type: none"> • If so, are they willing to serve the extended control population? 			
5. Has consideration been given to separately housing groups eligible for extended control that may require varying types of care (mentally ill, elderly, developmentally disabled, etc.)?			
6. Has the design of other extended control facilities been examined and evaluated?			

Issue	Yes	No	Comment
7. Are in-cell monitoring, communication, and program delivery systems being considered? • intercom? • radio? • tv/video monitor? • other? _____			
8. Has the potential need for cell-front program delivery been considered in the design of cell fronts?			
9. Have issues of interest to the courts been addressed (e.g., natural light, cell size, air exchange, exercise space)?			
10. Have observation and line-of-sight design factors been thoroughly reviewed?			
11. Has space been "footprinted" into the design to allow for the future addition of space if system or facility needs change?			
12. Have adequate physical facilities been provided for staff functions, including training?			
13. Has adequate office space been provided for program and support staff and located in areas that encourage their presence in the housing areas?			
14. Are adequate backup (manual) systems to electronics and other technologies planned to support operations in the event of equipment or power failure?			
15. Is reliance on electronics and other technologies justified either by increased efficiency, improved security and operations, or reduced operating costs?			
16. Do design and finish features (e.g., color and lighting) create an environment as positive as possible for staff and inmates, and the ability to maintain satisfactory levels of sanitation?			
17. Are cell design, equipment, and construction sufficiently "hardened" to resist destructive behavior of disruptive inmates?			
18. Has the possible need to evacuate housing areas in an emergency been considered?			
19. Does the design accommodate efficient provision of inmate services such as food service, laundry and clothing exchange, cell sanitation, showers, exercise, family and attorney visits, and professional contacts?			
20. Have total costs been projected (including debt service, if any) in estimating the overall cost of the project compared to "normal" prison construction?			
21. Have operating costs been projected to gain an understanding of future financial implications?			

Issue	Yes	No	Comment
22. Have projected total costs (project, construction, and operations) been made available to policymakers?			
23. Does the design mitigate operating costs to the extent possible?			
24. Has adequate cost-benefit analysis been performed on materials and equipment?			
Staffing			
1. Will the extended control facility be staffed initially by employees with extensive correctional experience?			
2. Are adequate training resources available to assure thorough orientation and basic training for all staff?			
3. Has a training curriculum been developed that will provide information and knowledge concerning agency philosophy, policy, and operational principles relevant to an extended control facility?			
4. Has a training curriculum been developed that will provide information and knowledge concerning facility policies and procedures and an overview of the total operation of the extended control facility?			
5. Are the trainers well versed and knowledgeable about the agency and extended control facility policies, procedures, and operations?			
6. Is ongoing training available in use of force and emergency response, and for staff assigned to special response teams?			
7. Has a program of refresher training been developed and provision made to ensure attendance by all staff?			
8. Is there provision for the monitoring of all training to ensure currency, appropriateness, and compliance with agency/facility mission, goals, and objectives?			
9. Are provisions made for the mandatory rotation of staff among assignments, to other units, or to other facilities to aid them in maintaining objectivity in inmate management and to relieve stress?			
10. Are programs in place to assess and assist staff following traumatic events?			
11. Are supervisory staff responsibilities well defined in policies and procedures?			
12. Are supervisory staff adequately trained in the principles and techniques of supervision?			
13. Are supervisory staff adequately trained in the management of high-risk inmates and the operation of an extended control facility?			

Issue	Yes	No	Comment
14. Do protocols exist to assure that facility administrators provide adequate onsite monitoring and guidance to first- and second-level supervisors?			
15. Do protocols exist to assure adequate presence and monitoring of extended control operations by agency central office staff?			
Food Service			
1. How will food be served to inmates? • congregate central dining? • congregate or individually in day rooms? • at cell front?			
2. Have food service criteria and monitoring procedures been clearly established in written policies and procedures? • menu development? • food preparation and kitchen sanitation? • quality control? • portion control? • food temperatures? • supervision of food line or cell-front service? • preparation of special food trays by staff? _____ Under direct staff supervision? _____			
3. Is each meal taste-tested by staff and its quality and relevant information documented?			
Inmate Mail and Property			
1. Do written policies and procedures govern the receipt, monitoring, and delivery of staff and inmate mail?			
2. Does written policy provide for inmate receipt of "legal mail" that is subject to inspection for contraband but is not subject to monitoring? • are the approved originators of legal mail clearly designated in written policy? • do delivery procedures ensure proper handling of legal mail?			
3. Is inmate-to-inmate communication through the mail system allowed?			
4. Does written policy state the amount and type of mail an inmate may possess in his/her cell?			
5. Is the amount of legal material, magazines, books, newspapers, and other flammable items an inmate may have in his/her cell clearly established in written policy?			

Issue	Yes	No	Comment
6. Do written policies and procedures regulate the items of personal property inmates may have in their possession? • personal radios? • televisions? • other electronic equipment? • other? _____			
7. Will inmates be provided uniform clothing?			
8. Will personal hygiene items be provided to inmates without charge? • if not, are they available in an inmate commissary? • is a decision made concerning shaving equipment?			
9. Do policies and procedures require regular clothing exchange and limit the amount of clothing inmates may have in their possession?			
10. Do policies and procedures require regular linen exchange and limit the number of sheets, blankets, towels, etc. inmates may have in their possession?			
Medical Services			
1. How, when, and where will sick call be conducted?			
2. How and where will outpatient medical services be provided?			
3. Where will inpatient medical services be provided?			
4. Where will medical specialty clinics be held or services provided?			
5. Where will emergency medical services be provided? By whom?			
6. Does facility design and/or space use provide for adequate safety and security for medical staff while ensuring required levels of privacy and confidentiality?			
7. Will nursing care be available, and will physicians who live or work within a reasonable distance be on call 24 hours each day?			
Mental Health Services			
1. Will all inmates referred to the facility be screened for mental illness?			
2. Has provision been made for the treatment of diagnosed mentally ill inmates or their transfer to other facilities with treatment resources?			
3. Has provision been made for periodic review of the mental health status of all inmates in extended control housing?			
4. Are correctional officers provided training to help them recognize symptoms of deteriorating mental health?			

Issue	Yes	No	Comment
5. Is a referral process clearly articulated in policies and procedures to ensure timely referral for mental health services?			
Religious Services			
1. Will chaplaincy or other staff be available to provide for inmates' religious needs?			
2. Will community religious leaders and volunteers be allowed in the extended control housing areas to provide religious services? • If not, how will religious services be delivered to inmates who adhere to religions that are not represented by the facility's chaplaincy corps?			
3. Where will religious services be provided and by whom? • at cell front? • congregate worship/study? • by intercom, radio, or video in cell? • by staff chaplains only? • by community religious leaders? • by religious volunteers? • by combination of _____			
4. Have the allowable articles of personal property pertinent to an inmate's religion been clearly defined?			
Sanitation			
1. Has provision been made for maintaining the sanitation of extended control housing that does not compromise the security of the unit by admitting inmate workers into the area?			
2. Will inmates be responsible for the regular cleaning of their cells? • If so, have nontoxic, noncaustic, nonflammable cleaning supplies been identified for use?			
3. Does agency policy require regular safety/sanitation inspection of the facility by institution and agency administrators?			
Security and Custody Control			
A. Supervision			
1. Are supervisory staff available in the extended control facility at all times?			
2. Does agency policy require that institution administrators and managers visit the extended control housing areas frequently and document their entry and egress?			

Issue	Yes	No	Comment
3. Are all supervisory staff adequately trained in the principles and techniques of staff and inmate supervision?			
4. Have up-to-date, comprehensive security policies and procedures been developed and training provided to all supervisory staff?			
5. Does all planned use of force require supervisory approval and oversight?			
6. Does the use of chemical agents require supervisory approval and oversight, to the extent possible?			
7. Does agency policy require that all planned use of force be videotaped and that written reports be submitted by all involved staff? <ul style="list-style-type: none"> • is review of all documentation (including videotape) by the warden or deputy warden mandated? • is central office review required? 			
B. Searches and Inspections			
1. Have policies and procedures been developed governing searches of inmates in extended control status? <ul style="list-style-type: none"> • personal property and cells? (protocol, frequency, documentation) • pat (frisk) searches? • strip searches? (when, where, by whom) • body cavity searches? (presenting problems/conditions, by whom) 			
2. Does agency policy require that each cell be closely inspected before each occupancy and that the inspection and cell condition be documented?			
3. Does agency policy require security inspection of all locking and control devices by qualified staff or others on a routine basis?			
4. Does agency policy require frequent inspection of lights, sprinklers, power outlets, vents, etc. in cells to identify attempts to tamper and damage?			
5. Does agency policy require inspection of medical facilities, visiting areas, exercise spaces, and other areas an extended control inmate may enter to ensure no weapons, drugs, or other contraband are secreted there?			
C. Use of Force			
1. Do clear and concise written policies and procedures govern the use of force?			
2. Is there a standardized list of security equipment with which all security staff have been familiarized? <ul style="list-style-type: none"> • restraints? • chemical agents? • cell entry/CERT protective gear? 			

Issue	Yes	No	Comment
<ul style="list-style-type: none"> • video camera? • riot batons? • stun devices? • lethal weapons? 			
3. Is a continuum of force documented in all relevant post orders that defines conditions in which lethal force shall be employed?			
4. Has provision been made for activating SERT, SWAT, or search teams in the event of an emergency?			
5. Has written protocol been developed governing the movement/transport of extended control inmates both within and outside the facility? <ul style="list-style-type: none"> • number of escort staff within the extended control facility? • number of escort staff outside the extended control facility? • criteria for use of armed "chase" vehicle in motor transports? • security protocol in court and hospital or clinic? • notification of law enforcement when inmates are transported on public highways? • use of restraints, chemical agents, stun devices, or lethal force during transport? 			
Inmate Telephone and Visits			
1. Are provisions made for inmate use of the telephone to maintain family contact?			
2. Does policy clearly establish eligibility criteria and protocol for the pre-approval screening of all potential visitors?			
3. Will contact visits be allowed for inmates in extended control status? <ul style="list-style-type: none"> • If not, are adequate non-contact visit facilities available? 			
4. Are strip searches routinely conducted following face-to-face contact of extended control inmates with visitors, attorneys, or others?			
5. Does the frequency, duration, or type (contact or non-contact) of visiting, and/or number of persons with whom an extended control inmate may visit provide incentive to gain a lesser level of custody?			
6. Are inmates in lesser levels of control in the same facility? <ul style="list-style-type: none"> • If so, are separate visiting facilities provided for extended control inmates and those in lesser levels of control to ensure the security integrity of the extended control area? 			

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Supermax Prisons: Legal Issues and Considerations

