

Fall 12-2011

## **State Super-Maximum Security Policies: An Examination of Admission Characteristics, Classification Reviews, Mental Health Amenities, and Inmate Privileges**

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The University of Southern Mississippi

STATE SUPER-MAXIMUM SECURITY POLICIES:  
AN EXAMINATION OF ADMISSION CHARACTERISTICS,  
CLASSIFICATION REVIEWS, MENTAL HEALTH AMENITIES,  
AND INMATE PRIVILEGES

by

Harry Daniel Butler

A Thesis  
Submitted to the Graduate School  
of The University of Southern Mississippi  
in Partial Fulfillment of the Requirements  
for the Degree of Master of Arts

Approved:

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Director

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Dean of the Graduate School

December 2011

## ABSTRACT

# AN EXAMINATION OF STATE SUPER-MAXIMUM SECURITY POLICIES: SEARCHING FOR SIMILARITIES IN ADMISSION CHARACTERISTICS, CLASSIFICATION REVIEWS, MENTAL HEALTH AMENITIES, AND INMATE PRIVILEGES

by Harry Daniel Butler

June 2011

Super-maximum security prisons have flourished within a political environment that endorses tougher criminal sanctions. This punitive evolution has created new problems for correctional agencies attempting to control the “worst of the worst” inmates. Federal courts and researchers have examined the detrimental effects supermax isolation has on inmates’ mental health. This analysis examines forty-two state supermax policies to determine how states admit inmates to supermax custody, the classification review process, the management of inmates with mental illnesses, and the availability of privileges for supermax inmates. Drawing on the concept of the McDonaldization of Justice (Ritzer, 1993), particular attention is given to understanding the role of official policy and procedures on managing problematic inmates. Guided by previous research on supermax penitentiaries, the correctional policies have been aggregated regionally to provide insight into geographical differences for the operation of supermax units. Policy implications for establishing more inclusive and thorough rules and regulations for the admission, review, and management of supermax units are discussed.

## ACKNOWLEDGMENTS

The writer would like to thank the thesis chair of this project, Dr. Wes Johnson, for his insight, guidance, and tutelage. Dr. Hayden Griffin and Dr. Philip Carlan have also contributed their time and expertise in helping guide this project to completion. Dr. Wes Johnson worked closely with me throughout this project to ensure I maintained my sanity while also empirically examining a topic that is in need of great research. I would like to thank Dr. Hayden Griffin for aiding me in establishing a thesis topic and collecting data. I would also like to thank Dr. Philip Carlan for providing insight into how to present the collected data in a concise format.

Dr. Lisa Nored, the Chair of the School of Criminal Justice at the University of Southern Mississippi, deserves a special thanks for assisting me administratively to complete the project. I would also like to thank Dr. Alan Thompson, the School of Criminal Justice Master's Director, for helping me balance my thesis with the requirements of my assistantship and for advising me as a student. Without the hard work and assistance of the faculty within the department, I would not have been able to complete the current project.

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## CHAPTER I

### INTRODUCTION

Over the last thirty years, the United States penal culture has shifted from primarily utilizing methods of rehabilitation to incorporating practices that enhance punitive control of offenders (Ross, 2007). This current mindset endorses harsher punishments, stricter regulations, and tougher sentences for offenders (Pizarro, Stenius, & Pratt, 2006). In the last two decades, American correctional institutions have incarcerated more offenders in an effort to increase punitive sanctions (Richards, 2008). In particular, new policies associated with the war on drugs in the 1980s and early 1990s led to a dramatic increase in incarceration. In actuality, studies show that throughout the 1990s, America saw a drop in crime rates while increasing its incarceration rates. Zimring (2001) stated the trend in incarceration gradually shifted from temporarily separating offenders from society to removing them indefinitely. Referred to as “the new politics of punishment,” judges, district attorneys, and other criminal justice agents gained public trust and favor by establishing tough on crime programs (Zimring, 2001, p. 164). The inevitable increase in incarceration led to a large class of problematic inmates, which created a myriad of issues for correctional staff and wardens (Mears & Watson, 2006). It was clear correctional leaders needed to find a way to separate problematic offenders from the normal inmate population (Feeley & Simon, 1992; Richards, 2008).

Two highly important prison operations involve regulating and ensuring the well-being of inmates and staff. When inmates disrupt prison operations, such as disregarding rules in lower-security prisons or acting out violently toward other inmates and staff (King, Steiner, & Breach, 2008), they may be placed in a super-maximum security

facility, referred to hereafter as “supermax.” This unique class of so-called “worst of the worst” inmates are held in these highly restrictive and technologically advanced facilities or units (Riveland, 1999). These prisons separate themselves from other correctional institutions in how they operate and manage inmates (Richards, 2008). For example, supermax prisons segregate inmates from most forms of social contact, except for brief interactions with guards (Haney, 2003). Inmates routinely sit idle in their cells for 23 hours a day with few, if any, programming options. Constant supervision, limited opportunities to socialize, and adversarial relationships with correctional staff are a few of the problems created by supermax facilities (Haney, 2003; King et al., 2008).

Supermax prisons represent an evolved form of the total institution, which is an environment that facilitates and limits individual behaviors. According to Goffman (1957), total institutions range from prisons to monasteries, and the levels of control used by each facility vary considerably. Prisons not only control the activities and behaviors of inmates but to some extent the actions of guards as well. Although guards and inmates work and live within the same facility, guards can leave the premises after completing their shift. Goffman asserts the ability for guards to enter the total institution and scrutinize behaviors that would otherwise go unnoticed can lead to punishments that alter other areas of the offenders’ lives, such as limiting exercise schedules.

Prisons can inhibit an inmate’s sense of individuality, which Goffman (1957) refers to as the “mortification process” (p. 100). Total institutions limit the personal belongings of inmates, which aids the mortification process because inmates lack the ability to engage in self-expression. Inmates attempt to combat the mortification process by developing new adaptations to the prison lifestyle. Terms such as “knowing the

angles, conniving, gimmicks, deals, ins, etc.” are common among inmates attempting to challenge the total institution (p. 104). A result of this adaptation is the “rebellious line,” which occurs when an inmate refuses to abide by institutional rules (p. 105). Supermax prisons further the total institution by completely isolating the inmate, thus limiting communication within the unit. Officer subculture, violent inmates, and restrictive supermax environments create unique problems that do not exist in other total institutions (Goffman, 1957; King et al., 2008).

Numerous researchers link the methodological approach of Feeley and Simon’s (1992) “new penology” theory to understanding the need for super-maximum security prisons (Pizarro et al., 2006; Ward & Werlich, 2003; Wells, Johnson, & Henningsen, 2002), which in turn gave penal institutions a new methodology that allows correctional leaders to control offenders based on their perceived or assessed threat to society. The “new penology” theory embraces the idea of controlling varying levels of offenders by incorporating disparate governmental controls to protect society and criminal justice agents. Additionally, this theory views correctional institutions as a way to incapacitate, rather than rehabilitate, offenders the public deems a threat. Moreover, the new penology explains the reason both state and federal governments embrace the idea of creating harsher and more punitive prison facilities to handle threatening offenders (Feeley & Simon, 1992).

The rapid construction and assimilation of supermax facilities in the late 1990s and early 2000s represent an apex of punitive confinement in the United States (King, 1999; Mears, 2008, Pizarro & Stenius, 2004). The appeal and growth of such facilities is evidenced by the fact that the number of supermax facilities increased from 34 (King,

1999) to 44 (Mears, 2006) in less than 10 years. The societal support surrounding these institutions stems from the public perception that supermax facilities may provide a “silver-bullet” panacea to penal institution problems (Henningsen, Johnson, & Wells, 1999). However, despite the proliferation of these institutions, many academicians question the necessity and costs (both monetary and psychological) of such restrictive confinement (Arrigo & Bullock, 2008; Haney, 2003; Mears, 2008). As a result of this controversy, supermax prisons largely remain an American solution (quite different from other Westernized countries) for handling difficult offenders (King, 1999).

#### Statement of the Problem

What are the operational similarities among state correctional departments’ supermax facilities? Supermax units continue to be perceived as highly secretive and restrictive units which lack a nationwide definition, uniform admission characteristics, and a frequent review process for inmate segregation custody level. Additionally, inmate misclassification can increase institutional violence, overcrowding in segregation cells, and the potential for lawsuits against correctional departments (Kupers et al., 2009). Developing a typology for determining inmate confinement in supermax facilities requires an examination of long-term administrative segregation or supermax policies.

#### Research Questions

1. What are the admission characteristics for supermax units, and are they discretionary?
2. Are inmates’ classification levels in supermax units reviewed in a timely manner?

3. Are mental health professionals and other treatment options available to inmates in segregation units?
4. What privileges (visitation, telephone access, and programming opportunities) are offered to inmates in supermax units?

#### Definition of Terms

*Classification Committees* – An evaluating group that determines the institutional placement of inmates, which varies according to the supervising correctional agency. Supervising correctional officers, wardens, medical staff, and psychologists usually comprise these committees.

*Classification Level* – An inmate’s level of supervision within a correctional institution; can increase or decrease depending on the inmate’s behavior, which effects his or her ability to have privileges, work, etc.

*Content Analysis* – A methodological data collection technique that searches for criteria needed to aggregate information and search for consistencies across various mediums (i.e. newspapers).

*Correctional Policy* – The rules and regulations of a state correctional agency that mandate the expected behaviors of correctional staff and inmates.

*Escape Risk* – Any attempt by an inmate to escape the penitentiary or evade detection by correctional authorities.

*Initial Review* – Specified reviews required for classification committees or the appointed authority to examine the rationale and reasoning for an inmate’s placement in supermax.

*Long Term Review* – A review that occurs after an inmate serves a specified amount of time within a supermax unit. The review is designed to establish whether the inmate is suitable for release and to determine what steps the inmate needs to take to be released from supermax custody.

*Mental Health Guidelines* – The steps taken by correctional departments to ensure the mental wellbeing of inmates, which can occur through preventative, precautionary, and reactive techniques.

*Security Threat Group* – Active participation in an institutional gang qualifies as being part of a security threat group.

*Riotous Behavior* – Conduct that incites violence, destruction of prison property, or the security of the prison.

*Threat to Institutional Safety* – Operationalized as any action as defined by the policy that results in a breach of security or institutional operations of the facility (Kurki & Morris, 2001).

#### Delimitations

The study is delimited to the following:

1. The study is limited to an evaluation of long-term administrative segregation or supermax policies.
2. The study is limited to the policies of 43 state departments of corrections. The remaining agencies did not respond to the researcher's requests or denied the dissemination of their supermax policies.

## Justification

The purpose of this study is to examine and compare state supermax policies in an effort to establish similarities in admission criteria, length of confinement, amenities offered to inmates while in isolation, and treatment and programming opportunities. Studies examining supermax facilities are limited in scope and generalizability due to the enigmatic nature surrounding these units (King, 1999; Naday, Freilich, & Mellow, 2008; Riveland, 1999). State supermax correctional policies offer insight into (a) the daily operations of each unit and (b) the specific guidelines for managing and supervising each inmate.

An analysis of the extant literature regarding supermax policies did not yield a singular comprehensive source. This study provides a nationwide analysis of supermax policies, which can help researchers engage in generalizable research. For example, Naday et al. (2008) conclude supermax operations need to be evaluated in an effort to determine which inmates are more likely to be placed in administrative segregation. Additionally, some researchers question the necessity of indeterminate confinement lengths for supermax inmates, which can be assessed by examining state policies (Arrigo & Bullock, 2008; Haney, 2003).

Supermax facilities have been described as secretive and highly protected facilities, where administrators tightly control the dissemination of information. The availability of supermax policies alludes to a greater issue, departmental transparency. Correctional departments that allow public access to policies regarding supermax facilities, the most restrictive form of confinement, may have more thorough rules and

regulations regarding the isolation of inmates. Departmental transparency can increase public support and possibly decrease litigation.

Arrigo and Bullock (2008) studied the mental detriments of solitary confinement and recommended correctional administrators enforce “humane physical conditions of confinement” (p. 635). Extensive and robust supermax policies may be more likely to disclose methods to ensure the well-being of inmates. Although supermax facilities lack a sense of uniform operations across state correctional departments (Naday et al., 2008), it is possible to evaluate state supermax policies in an attempt to identify similarities for handling the worst of the worst inmates.



## CHAPTER II

### LITERATURE REVIEW

#### The Beginning of the Supermax

Scholars remain divided about which federal prison constitutes the first legitimate supermax prison. Riveland (1999) and Ward and Werlich (2003) credited the Alcatraz penitentiary, located outside San Francisco, California, as the father of the supermax prison. However, Richards (2008) and King (1999) argued horrific events at the Marion, Illinois penitentiary created the first strict long-term lockdown facility. Before these two federal prisons came into being, Pizarro and Stenius (2004) contended that early American prison supervisors tested a technique that supermax prisons rely on today. Prison supervisors isolated individuals in small cells from all forms of human contact. Early prison administrators ceased using isolation techniques due to the harsh effects of having no contact with other humans had on inmates.

During this period, some penal experts suggested imprisoning the most problematic inmates in one strict penal setting to observe inmate movements closely (Ward & Werlich, 2003). Based on those observations, Pizarro and Stenius (2004) questioned the logic behind modern corrections because they contend correctional facilities move backwards in prison practices to handle offenders. This backwards movement can be attributed to dramatic increases in incarcerated offenders over the past three decades, resulting in the beginning of the supermax institution, which allowed correctional supervisors to rationalize ideas of utilizing two-century-old techniques for handling offenders (King, 1999; Pizarro & Stenius, 2004; Riveland, 1999).

Scholars who contend Alcatraz was the first supermax facility found the federal government responsible for its creation. The Federal Bureau of Prisons launched the first supermax prototype with Alcatraz (Ward & Werlich, 2003). Alcatraz opened in 1934 and operated for 29 years (Riveland, 1999). During its operation, Alcatraz housed some of the deadliest gangsters in the United States (Ward & Werlich, 2003). However, there are several key differences between Alcatraz and modern supermaxes (King, 1999; Ward & Werlich, 2003). One difference is Alcatraz did not house problematic inmates who violated institutional rules, but instead imprisoned hardened criminals and escape risk inmates (Ward & Werlich, 2003). In addition, King (1999) asserted that Alcatraz allowed inmates to work and to exit their cells to enjoy the yard on weekends, whereas modern supermaxes do not provide for outside activities. Yet, Alcatraz enforced very strict inmate policies that garnered increasing criticism (Ward & Werlich, 2003). The attitudes of handling offenders shifted from punishment towards rehabilitation during the 1960s. Subsequently, the strict approach towards controlling inmates ultimately led correctional supervisors to shut down Alcatraz in 1963.

After the closure of Alcatraz, the penitentiary in Marion, Illinois resumed its place in handling infamous criminals. Some of the most dangerous and problematic offenders in the federal prison system resided in Marion (Richards, 2008). During Marion's operation, the prison shifted from a maximum-security prison to a new classification of imprisonment expressly dubbed super-maximum security confinement. The murders of Marion correctional officers Kluts and Hoffman on October 23, 1983 resulted in a dramatic increase in security at Marion, creating the first prolonged lockdown prison in the United States (King, 1999; Richards, 2008). This strict long-term lockdown status

lasted 24 years (Richards, 2008). In contrast to operations at Alcatraz, the deadly events at Marion halted inmate communication, work programs, and exercise yard access (Richards, 2008; Riveland, 1999). Further, Marion's influence on supermax control units led to advances in prison technology. Modern supermax prisons utilize video and audio technology to closely observe and report inmate behaviors. Marion ceased its supermax operations in 2007, but Marion's influence on modern supermax facilities was tremendous (Richards, 2008).

### Supermax Prisons Expand to the States

Alcatraz and Marion both influenced state correctional agencies' willingness to use and accept supermax prisons (or control blocks) to control problematic offenders (Richards, 2008; Ward & Werlich, 2003). America's shift in penal policies away from rehabilitation and toward incarceration to handle offenders is represented by the construction of supermax facilities (Mears, 2008). Ross (2007) made a similar assessment, stating the shift towards conservative practices during the Reagan administration increased the punitive nature of the criminal justice system. As a result, more offenders entered prisons, which created problems for correctional supervisors and staff. In an effort to handle non-conforming inmates, states began constructing supermax institutions around 1985 (Ross, 2007). Pizarro et al. (2006) argued politicians used sensationalism to promote the use and appeal of supermax control units and prisons. Embracing a "tough on crime" agenda benefitted both Republican and Democratic leaders. The supermax expanded during a time in which handling offenders in a harsh environment allowed political leaders and correctional administrators to earn more power.

Political leaders and correctional administrators needed to make supermax prisons appealing to begin extending the new penitentiary across the United States (Pizarro et al., 2006). In addition, public and correctional managers needed to accept and portray the belief supermax institutions offered a unique cure for correctional problems other methods failed to achieve (Henningsen et al., 1999). Pizarro et al. (2006) discussed the misconceptions behind many supermax prisons that helped spread its popularity. One misconception used to propel supermax facilities across the nation is it offered a new and inventive way to handle problematic offenders. However, this new and inventive punishment of total isolated confinement existed long before the invention of the supermax (Pizarro & Stenius, 2004). Another common misconception that aided the expansion of the supermax was the belief it offered institutional and community safety (Pizarro et al., 2006). However, findings from Briggs, Sundt, and Castellano (2003) portrayed supermax institutions as an inefficient and unlikely tool to increase safety due to mixed results regarding increases in supermax violence. The final misconception, efficient prison management, provoked the belief that strict institutions solve numerous inmate problems (Pizarro et al., 2006). However, some researchers have reported that inmates regularly experience hostile treatment by correctional staff and suffer psychological trauma from the nature of supermax institutions (Arrigo & Bullock, 2008; Haney, 2003). These problems questioned the efficiency of solving inmate problems while at the same time creating more issues. These three deceptions allowed political leaders to use misinformation to advance the need and spread of supermax penitentiaries (Pizarro et al., 2006; Pratt, 2009).

### Definition and Classification Problems

According to Riveland (1999), correctional professionals should create a centralized definition for all supermax facilities in order to dissolve confusion and make discussion of supermax policy more meaningful. Furthermore, supermax prisons need to exercise strict control over inmates that lower-tier correctional facilities cannot easily handle. Generally, supermax prisons house offenders that provoke assaults, riots, escape attempts, and other institutional problems typical of incarceration. However, super-maximum security prisons often use different classification schemes, which further the problem for creating a uniform definition (Naday et al., 2008). For instance, Wells et al. (2002) mention numerous examples of supermax names, such as administrative maximum security, administrative segregation, and administrative separation. Due to the aforementioned problems, it is difficult to obtain a reliable count of how many supermax institutions (and cells) exist (Naday et al., 2008).

In 1997, the National Institute of Corrections (NIC) surveyed supermax facilities and developed the following definition for super-maximum security prisons:

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. (Riveland, 1999, p.

6)

This NIC (1997) definition was later revised, but both definitions collectively have assisted researchers attempting to refine the purpose of supermax prisons (Kurki & Morris, 2001; Mears & Castro, 2006; O’Keefe, 2008). Despite the widespread use of the NIC definitions (Riveland, 1999), the ability to conduct “macrolevel” research is often hindered by states interpretations of the aforementioned definition (Naday et al., 2008).

King (1999), in his influential study of supermax prisons, noted attempting to obtain a methodologically feasible definition of these enigmatic facilities is problematic. Numerous correctional administrators seemed to misinterpret the NIC (1997) survey’s definition of supermax prisons because it lacks an architectural description of such a facility and neglects to discuss the availability of inmate programs. In an attempt to offset the definitional ambiguities of the NIC (1997) survey, King (1999) conducted personal onsite visits to numerous state prisons. He visited states like New York, which denied having supermax units or facilities in both the NIC survey and in regards to his research questions. However, upon visiting New York’s prisons, segregation units were found which qualified for the NIC definition of super-maximum security prisons. While the architectural structure and design of many supermax facilities varied throughout the states, most state supermaxes functioned managerially in a similar manner. For example, correctional officers ceased observing inmates directly because of the use of 23-hour lockdown. Instead, officers would sporadically check on inmates in their cells to conduct counts or respond to inmate quandaries.

States operate and manage correctional facilities at their own discretion, but this discretionary power applies to supermax facilities in unique ways. Variations across states in the admission, release, and custody levels of inmates deemed appropriate for

such facilities are noticeable when examining recent studies (Mears & Watson, 2006; Wells et al., 2002). Conducting onsite visits of state prisons, Mears and Castro (2006) found supermax facilities vary by planning design, meaning whether the facility is a part of an existing or standalone building, and the categories of inmates housed. However, Mears and Castro (2006) found there are some consistencies among states regarding the definition of supermax imprisonment. A majority of respondents reported supermax custody is a prolonged lockdown status that occurs for a certain classification of inmates. Additionally, the majority of respondents reported supermax facilities are more restrictive than maximum custody because supermaxes require handcuffs for inmate transportation to and from their cell, limited programming opportunities, and a lack of inmate socializing. Finally, it was found that approximately 95% of surveyed wardens agreed with the NIC's (1997) definition of a supermax prison. It is important to note, however, the NIC's definition has received criticism because of its vague admission and classification criteria (Kurki & Morris, 2001; Naday et al., 2008).

Many studies have found very few states refer to long-term segregation facilities as supermax institutions (Naday et al., 2008; Wells et al., 2002). For instance, O'Keefe (2008) found Colorado operates "administrative segregation units," which meet the same definitional requirements as supermax prisons. Further, O'Keefe noted Colorado requires every inmate assigned to administrative segregation to be reviewed to affirm his or her placement. In total, 1,614 administrative segregation hearings occurred during the study, and it was determined that the majority of inmates in administrative segregation had major institutional problems. However, concerns regarding the amount of inmates admitted to Colorado's supermax are debatable. This may be a result of the lack of

nationally available data regarding the admissions of inmates into supermax facilities, which other researchers also believe occurs due to issues with data gathering (Naday et al., 2008; O'Keefe, 2008).

The misclassification of inmates poses problems for correctional administrators. Examples of misclassification problems include monetary losses, inmate behavioral problems, and excessive punishment (Bench & Allen, 2003). In a recent Mississippi study, Kupers et al. (2009) investigated the classification system of inmates in supermax confinement, called long-term administrative segregation, at Mississippi State Penitentiary's Unit 32. It is important to note, however, Parchman's Unit 32 was involved in a lawsuit with the American Civil Liberties Union (ACLU) for the inhumane and negligent handling of mentally ill inmates in the prison's supermax unit. In May of 2010, the Mississippi Department of Corrections (MDOC) and the ACLU came to an agreement and transferred all inmates out of the notorious Unit 32. Despite the agreement reached with the ACLU, Unit 32 was ultimately closed (Matthews, 2010). The early classification system of the Mississippi Department of Corrections had numerous problems with accurately placing inmates in supermax custody. For instance, MDOC's classification system placed some inmates entering the prison directly into supermax confinement. In response to litigation, *Presley v. Epps* (2007), MDOC changed their classification system as recommended by outside professionals.

Dr. James Austin, one of the authors in the Kupers et al. (2009) study, concluded that roughly 80% of Parchman's administrative segregation population did not belong in supermax confinement. The authors designed a new system where prison administrators only increase offenders' classification to supermax if the inmates present a dire threat to



the safety of the institution, pose a serious escape risk, or have a high-ranking affiliation with gangs. The new reforms classifying offenders greatly reduced the number of inmates in supermax confinement within Mississippi prisons. Nearly 800 inmates received transfers out of the administrative segregation sections of Parchman. Further evidence of inmate misclassification was seen when the majority of inmates released back into general population did not cause major institutional problems.

A criticism of the inmate review process in supermax prisons is the amount of discretion afforded to correctional administrators in determining prisoner release (Haney, 2003; Toch, 2001). In a national study of supermax prisons, Riveland (1999) concluded the review process of inmates in administrative segregation is largely indeterminate, and an inmate's chance of classification review is determined by his or her threat to the institution. In an evaluation of Texas supermax prisons, Mears (2006) found the Texas Department of Criminal Justice (TDCJ) reviewed the classification level of supermax inmates every four months. However, TDCJ previously allowed inmates to remain in administrative segregation for periods exceeding nine years. During this time, an inmate was required to request a formal review or an administrator must notice an inmate's good behavior to be provided with an opportunity to leave the supermax unit. Additionally, Kurki and Morris (2001) found inmates in Tamms Penitentiary, Illinois undergo a placement review every ninety days. This placement review occurs before the transfer committee, which can deny the hearing if the inmate is affiliated with a gang or is believed to pose a considerable threat to institutional safety. Additionally, the inmate only goes before the transfer committee on an annual basis, and this meeting can occur at the inmate's cell door. The amount of discretion extended to the transfer committee allows

them to deny an inmate's request to leave supermax confinement on negligible evidence indicating the inmate continues to pose a threat to the safety of the institution.

Numerous state and federal correctional facilities have unique names for supermax units where inmates serve time in months or perhaps years because they threaten the security of the penal institution. The federal government coined the term "administrative detention" with the penitentiary at Marion, Illinois. This type of segregation allows for increased administrative control over inmates that have the propensity to threaten the security of the penal institution. This unique form of detention is different from "disciplinary segregation," because administrative detention allows an administrator to act proactively to a problem rather than reactively sanctioning an inmate (Richards, 2008). However, as mentioned by Kurki and Morris (2001), the amount of administrative discretion available to determine the type of inmate that is suitable for supermax custody raises ethical questions, such as admitting an inmate an administrator finds annoying rather than the worst of the worst.

According to Kurki and Morris (2001), four common criteria differentiate supermax facilities from typical segregation cells or other protective custody units. The first criterion is the length of confinement inmates serve in supermax facilities. These units often measure time in years instead of months. Another characteristic found within most supermax facilities is the amount of discretion prison administrators have in admitting or releasing offenders. For example, a prison administrator may place an inmate in a supermax facility for gang affiliation due to potential threats to the security of the institution. However, early definitions of supermax do not mention gang membership (NIC, 1997; Riveland, 1999). A third characteristic is the peculiar types of isolation

inmates endure under lockdown. Supermax lockdown goes beyond limited contact with others and the ability to restrict inmate mobility, and instead involves 23 hour isolation in a cell with limited and monitored visitation hours. The fourth widespread characteristic noted by Kurki and Morris (2001) is most supermax facilities offer very few programming opportunities for inmates. If programming opportunities are available, inmates usually remain in their cells and write letters or talk via videoconferencing with program managers or mental health professionals (Haney, 2003; Kurki & Morris, 2001).

Furthering the supermax definition problem, no uniform policies or laws exist that require states to enforce standardized definitions for their prisons' security levels (Naday et al., 2008; Wells et al., 2002). For example, Naday et al. (2008) discuss inconsistencies in reporting supermax data due to the definitional vagueness of what separates a supermax from other maximum-security institutions. Due to inconsistencies across states in defining supermax prisons, researchers cannot generalize their findings. Naday et al. (2008) argue correctional agencies play a prominent role in supermax research, and therefore prison administrators have a responsibility to report accurate information. However, the lack of uniformity among states as to what qualifies as a supermax facility makes this call for action difficult. Some states change their use of the word supermax (or any affiliation to it) yearly. Without a uniform definition and formal process for states to report information regarding these institutions, data gathering and assessing the impact of supermax confinement remain difficult for researchers. An example of methodological problems that coincide with supermax research can be seen when attempting to determine the amount of inmates in such facilities. In King's (1999) analysis of supermax facilities, he addressed numerous issues regarding the proportioning of inmate bed space within

each state. Considerable variation occurred among the states. For example, King found Arizona required eight percent of its bed space be proportioned to supermax housing and approximately twenty-eight percent of its bed space for other segregation purposes. In contrast, Colorado utilized five percent of its bed space for supermax housing and approximately three percent for other segregation units.

Naday et al. (2008) discussed similar issues to King (1999) in their study examining inmate reporting in supermax facilities. As mentioned earlier, King (1999) relied on the number of reported beds in both his instrument and the NIC (1997) data to determine the amount of potential inmates in a supermax facility. In contrast, Naday et al. (2008) asserted the importance of examining factors beyond the number of beds proportioned for such segregation. The authors observed dramatic fluctuations among states when the American Correctional Association (ACA) began calculating the number of offenders in supermax housing beginning in 2001. Some states reported the dramatic increase or decrease in inmate population occurred due to reporting errors, for example, because an institution that had been considered a supermax facility, was in actuality a woman's facility (Connecticut). Wells et al. (2002) discussed a similar problem regarding administrator's perspectives on what constitutes a supermax facility. The authors argued analyzing data is difficult because some prison administrators have varying opinions on the definition of supermax institutions. When the authors surveyed prison wardens, only 60 institutions fit the classification for super-maximum security prisons (or cells). However, 108 wardens believed their institution used supermax control units to regulate problematic inmates. A definition that clarifies the classification process of offenders,

institutional goals, and methods of punishment would allow states to better account for supermax prisons (Naday et al., 2008).

In calling for reform of supermax prisons, Haney (2003) argued strict time limits should replace the practices of indefinite lockdown currently implemented by most facilities. For most states, however, restrictive confinement is a solution to quelling inmate violence, and supermax facilities represent a zero tolerance approach to handling disruptive inmates (Pizarro & Narag, 2008). In a study of recidivism following release from supermax custody, Mears and Bales (2009) restricted their sample to inmates who had served a minimum of 91 days in close management housing, which is Florida's version of supermax confinement. The authors mandated a minimum length of time requirement in their study to eliminate the possibility of including inmates who resided temporarily in disciplinary segregation. Furthermore, academics and mental health professionals consistently refer to time as an integral part of the supermax definition, even though it is not commonly cited as such in the 1997 NIC survey or Riveland's (1999) update to the NIC report.

Classification problems and difficulties gathering accurate numbers of supermax inmates across states may occur due to the myriad of names used for such facilities. When information becomes publicly available regarding the number of inmates in supermax custody, correctional administrators from some states may disagree with the findings because of misinterpretation of the various security levels used within a single prison (Naday et al., 2008). The various names states utilize to describe supermax confinement is evident by examining the current literature (Briggs et al., 2003; Haney, 2003; Wells et al., 2002). For example, in Haney's (2003) study of supermax facilities

and their deteriorating effects on inmates, the author noted various names used between neighboring states. For example, California refers to supermax custody as security housing units, whereas Arizona manages special management units. Despite the names used to house a state or prison's problematic inmates, these facilities have similarities in how they isolate and manage inmates. In Naday et al.'s (2008) concluding suggestions, the authors recommended states embrace the following definition, which incorporates the NIC and American Correctional Association's definitions of supermax confinement:

The highest available level of security which aims to control inmates through the systematic and intentional segregation from other inmates and staff. Inmates, for reasons other than short-term punishment or discipline, are confined to single or double occupancy, devoid of most standard privileges, for 20 to 24 hr a day. Exercise is provided, however, personal contact with others is strictly limited. Confinement may be a result of disciplinary issues requiring permanent restrictions not available through standard sanctions, a sentence requirement, or a result of suspected violent and seriously disruptive behavior. (p. 88)

The above definition, if approved by all states, will absolve some problems associated with generalizability. However, researchers asserted states need to do more to accurately report supermax data, goals, and admission criteria (Mears, 2008; Naday et al., 2008).

#### Goals and Characteristics of a Supermax

One of the most iconic institutional creations in modern corrections is the rise and use of supermax prisons (Mears, 2008). Despite support from policymakers and wardens regarding these institutions, there remains little research regarding the specific objectives

of these institutions and whether those objectives are adequately achieved (Mears & Watson, 2006; Wells et al., 2002). Supermax institutions left their mark on modern corrections by creating new techniques to handle problematic offenders (Kurki & Morris, 2001). Maximum-security prisons allow inmates to communicate with one another, whereas supermax institutions force inmates to remain in an isolated and controlled environment. Supermax institutions offered solutions for punishing the worst of the worst offenders that numerous state correctional agencies quickly adopted. However, as supermax penitentiaries (or cells) spread to the states, their objectives and goals remain in question.

Mears and Watson (2006) evaluated the difficulties that exist in determining the effectiveness of supermax prison operations and goals. They gathered data by conducting personal interviews with correctional agents, on-site visits of penitentiaries, and evaluations of past research. In order to pinpoint supermax goals, it is important to understand how policies, costs, management, and other factors play a role in the failures or successes that occur within these institutions. The authors investigated five aspects of supermax prisons that warrant more research to determine if the goals are met in an efficient and ethical manner. The first aspect noted the lack of research regarding whether supermax prisons meet their goals and what those goals are. In attempting to narrow the goals of supermax prisons, Mears and Watson received numerous solutions from correctional administrators. The authors listed the goals of supermax prisons as follows: increasing safety and security, bettering the inmates' attitude and behavior, decreasing gang power inside prisons, and improving the correctional system as a whole through better inmate management.

In the second aspect, Mears and Watson (2006) discussed the consequences and benefits of operating supermax prisons. One of the unplanned benefits of supermax prisons is penitentiaries offer a safer environment for general population inmates. In addition, supermax prisons offer advances in economic gain for areas in which they operate. However, the authors also noted the unplanned disadvantages that arise when pursuing supermax goals. Some of these disadvantages contradict the goals that supermax prisons strive to achieve. For instance, supermax prisons may decrease the stability of an institution rather than increase it. For example, inmates may participate in riots or other disruptive behaviors to protest the segregation units. Other unplanned disadvantages are the increases in mental illness among inmates and further deterioration of the bond between inmate and correctional officer due to the nature of supermax confinement.

In the third and fourth aspect of supermax prisons, Mears and Watson (2006) discussed the motives behind achieving supermax goals and problems that arise in achieving them. Inmates in supermax custody spend time in their cells for 23 hours a day to prevent the possibility of escape, violence, or communication (Mears & Watson, 2006; Ross, 2007). These goals seem simple, but upon closer analysis, they become difficult to achieve effectively. These goals become complicated by their vagueness in definition, as well as the classifications used to determine who belongs in supermax custody. Another problem is increases in incarceration have resulted in the wrongful classification of inmates who serve time in supermax custody, which lowers the effectiveness of supermax goals. These problems lead to the fifth aspect of examining supermax institutions, which investigates the political, monetary, and ethical decisions in determining whether supermax institutions are worth the problems they create. The five



aspects of supermax institutions come together to give insight into the goals, benefits, consequences, and politics involved in supermax institutions. Mears and Watson (2006) concluded supermax institutions are a staple in modern corrections and will not close down in the near future. Therefore, it is important to focus research on the five aspects of supermax prisons, and whether their goals are achieved in an effective manner.

While defining the goals and characteristics of a supermax prison, some researchers have sought the opinions of wardens who run the institutions (Wells et al., 2002; Mears & Castro, 2006). Characteristics of inmates, punishments, and other programs are important to examine when researching supermax prisons, because these institutions offer answers to handling a portion of problematic inmates (Wells et al., 2002; Ross, 2007). Wells et al. (2002) sent surveys to 275 prison institutions' wardens. The authors received 108 surveys in which wardens confirmed they used supermax-like methods to control offenders. The authors found the majority of inmates placed in supermax violated an institutional rule. The second highest reason for inmates to be in a supermax control unit was assault on fellow inmates. The findings of Wells et al.'s investigation coincided with the findings of Mears and Castro (2006) regarding the goals of a supermax. The number one goal agreed upon by responding wardens was to achieve security and protect inmates and staff throughout the prison. Wells et al. (2002) also found approximately 10% to over 30% of inmates served time in a form of supermax control. Another important characteristic of supermax prisons is the amount of programs offered to inmates. Wells et al. noted that most activities in supermax conditions are limited and inmates spend a majority of their time in isolation with few opportunities and resources for self-improvement.

Mears and Castro (2006) conducted similar research (to that of Wells et al., 2002) and documented several unexpected advantages and disadvantages of operating supermax prisons. For instance, the wardens surveyed reported a rapid loss of correctional officers due to high turnover in supermax prisons. Furthermore, wardens from southern penitentiaries influenced other prison administrators and politicians to construct supermax penitentiaries. The authors stated the characteristics of southern supermax penitentiaries appealed to politicians as a formidable way to increase safety and control problematic inmates. However, Mears and Castro found support among supermax wardens for alternative techniques in handling problematic offenders instead of operating a supermax prison. Wardens supported moving problematic inmates to other prisons and offering counseling services to troubled inmates, which questions the belief that supermax prisons are a solution of last resort.

#### Paying for Supermax Imprisonment

Supermax prisons are expensive due to their specialty in the correctional field (Riveland, 1999). These institutions require numerous technological devices and architectural designs that add to operational expenses. In addition, Riveland stated the costs of constructing a supermax are only a small amount compared to annually paying for staff and training. Prison administrators attempt to lower construction costs of supermax institutions by decreasing prison space and buying cheaper supplies, but future costs of repairing the prison offset any savings. Riveland suggested administrators use foresight when constructing supermax prisons to decrease costs in the future. Correctional administrators and policymakers are beginning to see their budgets decrease while the operational costs stay the same (Ross, 2007).

As of 2008, a benefit-cost analysis had not been conducted to determine the effectiveness of investing public funds in supermax prisons (Mears, 2008). A benefit-cost analysis can answer numerous questions regarding supermax prison expenditures. For example, Lawrence and Mears (2004) stated a benefit-cost analysis could inform policymakers, prison wardens, and other parties about the smaller details and options of supermax prisons. If policymakers wanted to know whether building a new high-tier correctional facility is beneficial, they would need to examine the costs of building a normal facility in addition to the costs of a supermax facility and compare those findings to available alternatives. These authors stressed a benefit-cost analysis should not solely examine how much something costs. Instead, one should make comparisons to other facilities or alternatives. Another advantage of using a benefit-cost analysis is the inclusion of non-monetary costs, such as stress among correctional officers. Incorporating non-monetary functions into a benefit-cost analysis will allow correctional and public administrators to financially plan for training and other exercises that may often not be included in financial reports. A benefit-cost analysis will decrease speculation about the worth of supermax prisons. However, for the benefit-cost analysis to generalize to other states, it requires universal definitions of what constitutes a supermax prison (or cell).

The efficacy of supermax institutions remains questionable due to their expenses and lack of research regarding their costs (Mears, 2008). When financing for maintenance, security, and other operations of these institutions decreases, changes in the operations of supermax penitentiaries will occur (Ross, 2007). Kurki and Morris (2001) gave an example of the cost of building and maintaining a high security prison. Tamms penitentiary in Illinois cost roughly \$75 million to build, and each prisoner costs the state

\$36,000 annually. The price per prisoner is nearly double the amount for a lower-tier institution. Numerous researchers have requested some form of benefit-cost analysis to assess the necessity and rewards of funding these institutions (Lawrence & Mears, 2004; Mears, 2008; Riveland, 1999). Despite the lack of fulfillment regarding these requests, Ross (2007) offered two solutions to correctional administrators faced with financial cuts. One, supermax prisons should house a wider array of offenders. Two, create a focal supermax facility within a region, thus allowing states to (a) cease operations and funding of multiple supermax units/prisons or (b) transform unneeded or closed supermax facilities to cost-efficient institutions.

#### Mental Health Issues

Another serious problem facing supermax institutions is the neglect and deterioration of an inmate's mental health because of total isolation (Haney, 2003). Numerous researchers examine the detrimental effects supermax institutions have on an inmate's mental health (Haney, 2003; Mears & Castro, 2006; Naday et al., 2008; Slate & Johnson, 2008). Arrigo and Bullock (2008), for example, found mental health issues arise based on the length of isolated incarceration. Unfortunately, correctional institutions that house inmates in administrative segregation or supermax housing often find themselves ill prepared to handle inmates with mental illnesses. Not only do existing mental illnesses worsen within this strict environment, but some inmates also develop mental illnesses during their incarceration (Haney, 2003).

Haney (2003) discussed five life-changing events that occur for some inmates in supermax incarceration. These events require inmates to alter their lifestyles briefly or permanently during and after incarceration. In addition, he observed inmates might be

unaware of the changes in their mental health or behaviors even after release. The first event examines the inmate's need for the prison system to operate his or her life. The inmate becomes so reliant upon the institution that he or she loses the ability to handle everyday situations. Another problem occurs when the inmate ceases all forms of productivity, essentially giving up on life goals and plans. During this event, the inmate loses the motivation to complete or even begin activities. The third problem examines the severed link between human contact and the inmate. The inmate may lose his or her sense of purpose and identity in the world. The fourth event results from the third, in which an inmate creates a mental illusion that substitutes the necessity of human contact with fictional human contact. The fifth problem occurs when inmates spend a large amount of free time without positive influencers. Inmates spend this time remembering events in their life that fuels their anger. Inmates unleash this anger upon correctional staff, which resets the cycle. Altogether, these five problems alter inmate's perceptions of reality. Haney suggests that identifying inmates who suffer the aforementioned problems often pose difficulties for researchers and mental health specialists.

Correctional institutions need to properly care for and assist mentally ill inmates. Some scholars argue prison administrators and staff who assist inmates with mental deficiencies will notice an increase in institutional safety and a decrease in inmate violence (Slate & Johnson, 2008). Mears and Castro (2006) found that even supermax wardens acknowledge the mental health problems inmates have while incarcerated. Haney (2003) called for numerous changes in incarcerating inmates within supermax confinement. One suggestion bans lengths of supermax incarceration that last longer than two years. In addition, prison administrators should allow inmates to prepare for their

movement back into society as they reach their release date. O’Keefe (2008) stated there are a large number of inmates with mental health issues in supermax confinement who require treatment that most institutions cannot adequately provide.

#### Judicial Response to Conditions in Supermax Prisons

In *Ford v. Board of Managers of New Jersey State Prison* (1969), the United States Court of Appeals of the Third Circuit held solitary confinement does not constitute cruel and unusual punishment under the Eighth Amendment. While this case addresses “solitary confinement,” this is essentially another term for supermax prisons. In the aforementioned case, a class action suit was filed against the state of New Jersey requesting injunctive relief due to alleged cruel and unusual conditions within a solitary confinement cell. Ford, the complainant, alleged solitary confinement cells did not offer running water or any other sanitary means to keep oneself clean. Additionally, the inmate stated the amount of food offered to inmates within solitary confinement was starkly different from those in the general population. Inmates in solitary were allowed to have four pieces of bread and three pints of water daily. The court ruled, “Solitary confinement in and of itself does not violate Eighth Amendment prohibitions, and the temporary inconveniences and discomforts incident thereto cannot be regarded as a basis for judicial relief” (p. 940). Although courts have started to intervene in the practices and constitutionality of supermax facilities, this court emphasized that isolation cells are sometimes necessary to maintain order within an institution (Pizarro & Stenius, 2004).

One of the most influential cases regarding the constitutionality of supermax prisons, *Madrid v. Gomez* (1995) was a class action lawsuit by inmates at Pelican Bay State Prison in California. These prisoners complained the conditions, practices, and

offering of mental health services violated the Eighth Amendment's Cruel and Unusual Punishment Clause. Specifically, inmates claimed the California Department of Corrections: condoned the use of excessive force, failed to provide adequate medical and mental health care, created inhumane living conditions inside the Security Housing Unit (SHU), and knowingly allowed inmates to be vulnerable to other inmates. In an examination of the excessive use of force, the United States District Court of the Northern District of California held the complainants successfully established numerous instances of cruel and unusual punishment. One example of excessive force within the SHU, pointed out by the court, was when an inmate refused to return his food tray after eating. In this instance, the correctional officer warned the inmate conditions would become unpleasant if he failed to return his food tray, but the inmate still refused. A few minutes later, two tear gas canisters entered the small cell, and correctional officers entered the cell and shot the inmate with a taser. The inmate was brutally beaten and taken to the prison's infirmary. As a result, the Court ruled that the use of force inside Pelican Bay State Prison was excessive and violated the Eighth Amendment.

The Court in *Madrid v. Gomez* (1995) also examined the mental health status of inmates in supermax confinement. The appellants, California Department of Corrections administrators, acknowledged many of the inmates inside Pelican Bay had serious mental illnesses and the Court ruled the lack of treatment for many of these inmates constituted a violation of the Eighth Amendment. The Court believed correctional administrators acted deliberately indifferent in the handling of inmates with mental illnesses, either through negligence or by offering less than adequate health care programs for inmates. The Court cited *Farmer v. Brennan* (1994) in that it is necessary to establish the prison

administrator knowingly and willingly neglected the needs of the inmate, which resulted in cruel and unusual punishment. The complainants in *Madrid* successfully met their burden in establishing the State's intent under the deliberate indifference test. Despite the influx of inmates inside Pelican Bay State Prison with mental illnesses, the Court held this peculiar type of imprisonment does not violate the Eighth Amendment. The conditions and other factors associated with the prison created violations of the Eighth Amendment. However, the Court acknowledged that certain groups of inmates are more likely to experience cruel and unusual punishments than others. The Court stated:

We do find, however, that conditions in the SHU violate such standards when imposed on certain subgroups of the inmate population, and that defendants have been deliberately indifferent to the serious risks posed by subjecting such inmates to the SHU over extended periods of time. (p. 1261)

In the concluding statements of *Madrid v. Gomez* (1995), the Court asserted, "The anguish of descending into serious mental illness, the pain of physical abuse, or the torment of having serious medical needs that simply go unmet is profoundly difficult, if not impossible, to fully fathom, no matter how long or detailed the trial record may be" (p. 1280). Worth mentioning is not all of the inmates' complaints equated to violations of the Eighth Amendment. Specifically, the Court held the basic conditions of Security Housing Units remain questionable regarding the Constitutionality of their long-term effects. Additionally, the Court concluded that placing gang members in SHU did not violate the Eighth Amendment, because these individuals posed a unique threat to the security of an institution.



Another case involving the constitutionality of supermax facilities is *Ruiz v. Johnson* (1999), where the court addressed the lack of administrative control in the Texas prison system. Federal courts had removed Texas's supervisory powers over its entire correctional system in the landmark case of *Ruiz v. Estelle* (1980) due to gross Constitutional violations. In *Ruiz v. Johnson* (1999), the United States District Court for the Southern District of Texas examined numerous facets of the Texas Department of Corrections. One of the facets of Texas's Department of Corrections being examined was the use of administrative segregation cells (supermax) and whether these cells violated the Eighth Amendment. The court found the use of administrative segregation units (supermax) restricted inmates of the most basic needs of life. In regard to the severity of punishment being inflicted upon inmates in administrative segregation, the court stated,

As the pain and suffering caused by a cat-o'-nine-tails lashing an inmate's back are cruel and unusual punishment by today's standards of humanity and decency, the pain and suffering caused by extreme levels of psychological deprivation are equally, if not more, cruel and unusual. The wounds and resulting scars, while less tangible, are no less painful and permanent when they are inflicted on the human psyche. (p. 914)

Although the court viewed administrative segregation as a severe threat to the mental state of an inmate, they acknowledged the usefulness of such confinement. Supermax units allow correctional officers to maintain control and to punish problematic inmates. However, the court stated the current conditions within administrative segregation units in Texas violate the Eighth Amendment. As argued earlier in *Madrid v. Gomez* (1995), the Court in *Ruiz v. Johnson* (1999) believed targeting inmates with

mental illnesses for administrative segregation is unconstitutional. Additionally, the court found that the Texas Department of Corrections had been acting in deliberate indifference towards inmates with mental illnesses.

The court in *Ruiz v. Johnson* (1999) relied on expert testimony from two renowned psychologists and criminologists to establish that Texas had acted in “deliberate indifference.” Specifically, the testimony revealed the widespread use of Texas’s supermax units to house individuals with severe mental illnesses, and that correctional administrators had a plethora of opportunities to assist inmates in supermax conditions. The court concluded the use of administrative segregation in its current iteration violated the “evolving and maturing standards of decency” that the Eighth Amendment relies on (p. 913).

#### Deterrence and Supermax Imprisonment

Wardens strongly believe supermax imprisonment prevents offenders from causing problems and strengthens prison control. Nearly one-fourth of supermax wardens believe their institutions deter individuals in society from committing crimes (Mears & Castro, 2006). However, Pizarro and Stenius (2004) argued the deterrent effect of these prisons remain largely unsupported and are primarily speculation. Mears and Reisig (2006) stated supermax penitentiaries successfully deter detainee misconduct because the prison cells greatly diminish an inmate’s chance to cause institutional problems. As Kurki and Morris (2001) discussed, penitentiaries rely on deterrence to coerce inmates’ behavior. For example, inmates will lose what little freedoms supermax control units offer if they violate institutional rules. Correctional staff at Tamms penitentiary, in Illinois, deter inmate misbehavior by feeding uncooperative inmates a loaf of bread that

lacks any taste in place of their normal dinners. Kurki and Morris questioned supermax prisons' ability to incapacitate some offenders and deter the rest, because some inmates act irrationally due to mental health issues.

While research regarding the deterrent effect of supermax prisons remains sparse (Pizarro & Stenius, 2004), numerous problems plague these institutions that pose difficulties for deterrence to occur. Misclassifying inmates can dampen deterrent effects due to improperly punishing the wrong offenders (Mears & Reisig, 2006). Furthermore, Kurki and Morris (2001) examined problems when prisons attempt to deter mentally ill inmates. As punishments increase for mentally ill inmates, they respond in a manner that calls for more punishment. This cycle repeats itself until eventually the inmate is placed in supermax confinement. Another problem with applying the deterrence theory to supermax confinement stems from the probability that inmates know only a small portion of offenders enter such high security cells. In addition, the power of deterrence remains questionable if varying lengths of detainment are required to produce a noticeable deterrent effect (Mears, 2006). Pizarro and Stenius (2004) questioned the benefits society receives from supermax institutions if they successfully deter inmate behavior yet expect inmates to behave normally after they serve their sentence and transition back into society.

#### Ironies of Supermax Imprisonment

Ironically, the biggest threat to supermax prisons is the institution itself (Briggs et al., 2003; Kurki & Morris, 2001; Toch, 2001). Releasing inmates from supermax confinement creates inconsistencies between prison goals and the ability to achieve them. For instance, some individuals who enter supermax prisons fail to function in society

upon release. Haney (2003) discussed the double-edged sword that exists with supermax confinement. If inmates accept the punishment and isolation that occurs within supermax imprisonment, their potential to function in a law-abiding manner outside prison can decrease. However, an inmate who cannot function under harsh confinement receives more write-ups and sanctions, which increases the likelihood of staying in prison and returning to the supermax. Furthermore, it is ironic that correctional supervisors place inmates in supermax confinement knowing the damages that occur psychologically, and then offer psychological assistance resulting from the harsh environment. In addition, inmates who leave these institutions without adequate reentry programs have the possibility of leaving angrier than before. This anger, fueled by idleness and deprivation, allows inmates to wreak havoc upon the community in which they return (Toch, 2001).

Supermax wardens boast of their institutions' ability to decrease violence and increase safety (Mears & Castro, 2006). Kurki and Morris (2001) questioned whether society and correctional institutions receive any benefits for individuals incarcerated under supermax confinement. King (1999) believed the necessity of supermax prisons stems from the failure to treat inmates humanely and from responding to inmate problems by increasing penal sanctions. This ultimately places the correctional system in an endless loop where inmates act worse and administrators create harsher penalties. Therefore, when supermax prisons spread throughout the United States, administrators and policymakers justified the prisons' existence to handle difficult inmates. Ironically, the government helped create problematic inmates by increasing incarceration lengths and sanctions against inmates, which decreases their chance of successful reentry.

Modern wardens serve numerous roles within correctional institutions (Seiter, 2005). The increased responsibilities occurred because the Supreme Court deemed certain correctional practices unconstitutional. One example is the governmental takeover of the Texas Department of Criminal Justice in the landmark case *Ruiz v. Estelle* (1980). Texas inmates within many correctional institutions complained of prison conditions, practices, and cited violations of the Eighth Amendment's Cruel and Unusual Punishment Clause. The era of uncontested power and control by wardens had ended, and the need for accountability and responsibility had taken precedence. Therefore, the modern warden's job is difficult because it is important to balance punishment and reward positive inmate behavior. Some examples of warden roles are being able to manage a budget that meets the needs of the correctional agency, serve as a role model for employees and inmates, and ensure the security of the institution (Seiter, 2005). Modern wardens are often referred to as "transformational leaders" because they need to promote principles that correctional administrators and staff support to solve complex institutional problems (Seiter, 2005, p. 377). It is difficult for wardens to serve as experts in numerous correctional roles, but the transformational leader embraces challenges and encourages staff members to create solutions to various inmate queries. In an effort to lower institutional problems wardens embraced supermax prisons on the belief such facilities remove problematic inmates and provide a safer environment for staff and other inmates (Mears & Castro, 2006; Pizarro et al., 2006).

The "dialectic of reform" refers to the implementation of a program or policy that attempts to achieve a goal, but in application, the policy creates an opposite undesired effect (W. W. Johnson, personal communication, August 26, 2009). The dialectic of

reform explains why inconsistencies and lack of positive results exist in examining supermax prisons. For instance, controlling problematic detainees is a priority for supermax prisons, but political leaders may worsen inmate behavior by forbidding the use of programs (Mears & Watson, 2006). Additionally, some jurisdictions operate a supermax facility due to political pressure and not because of necessity. Correctional administrators are then faced with the task of handling a shrinking budget while also managing an expensive supermax facility or unit, which can lead to the mismanagement of inmates and ultimately result in litigation (Lippke, 2004; Toch, 2003). Furthermore, the goals of these institutions remain largely similar across states, but how prisons achieve these goals can differ from state to state. Therefore, the establishment of supermax prisons in states allows their use to expand beyond their original intention, which can reduce their efficiency and effectiveness (Mears & Watson, 2006).

## CHAPTER III

### METHODOLOGY

#### Overview

Utilizing descriptive research techniques, the current study ascertains the various names of supermax facilities and the limitations these differences in nomenclature place on a researcher's ability to gather accurate and generalizable data (Mears, 2008; Naday et al., 2008). Examining state correctional policies allows for insight into the characteristics of admitting inmates into segregation units, whether programming opportunities are available to inmates, and the handling of mentally ill inmates. Additionally, identifying why states may mistakenly report their facility or security level as that of supermax confinement can be examined. This study incorporates policies and commonly used supermax definitions to determine which states qualify for such restrictive confinement. Most researchers use a modified version of the NIC definition of supermax facilities to gather consistent data from each state. Riveland (1999) defined a super-maximum facility 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. (p. 6)

However, utilizing only one definition, some of which are not accepted by all states, can be problematic in analyzing whether a state has supermax units and nullifies research

attempts. Riveland's (1999) definition of supermax confinement has served as a reference for many researchers; thus, it will guide the criteria examined within this study.

Additionally, the type of inmate supermax confinement is suitable for within each state's policy is examined, as recommended by Mears (2008).

### Procedures

First, the researcher obtained state correctional policies by accessing each department's website. Correctional websites offer an array of information ranging from facility operations to the ability to locate specific inmates within a search engine. However, only policies pertaining to long-term administrative segregation have been included in the study. Twenty-five correctional agencies offered public access to their departmental policies on the internet. When policies were unobtainable from a correctional department's website, correctional departments were contacted in an effort to obtain the particular directive. Specifically, the researcher contacted each department by telephone and e-mail to communicate with the appropriate employee for obtaining information related to the correctional policy in question. Next, the researcher contacted the policy manager or public information officer and notified him or her of the purpose of the study and the status of the researcher (graduate assistant). If needed, an additional e-mail was sent to verify the researcher was a student with the appropriate graduate credentials. Special care was taken to avoid the word "supermax" when requesting the policies, because some administrators associate the word with the mismanagement and mistreatment of inmates (Naday et al., 2008; Richards, 2008). Therefore, attempts were made to clearly and concisely request what specific policy is needed, which is the policy



that pertains to the management of problematic inmates in long-term segregation that pose a threat to the security or stability of the institution.

Seventeen state correctional agencies complied with the researcher's request to obtain the policy regarding supermax incarceration. It is important to note that due to the sensitive nature of supermax facilities, some of the departments refused to disseminate their policies because of potential threats to their institutions. The remaining eight states chose not to disseminate their supermax policy for the following reasons. Maryland and Utah declined to disseminate policies citing possible threats to security. North Dakota was unable to provide their policy regarding long-term segregation because the state was currently in the process of revising their rules and regulations. The remaining five states, Hawaii, Texas, Delaware, Iowa, and Wisconsin, did not reply to the researcher's repeated requests for such policies.

In total, 42 state policies are evaluated in the current study. The purpose of gathering policies and comparing them to the various definitions of supermax admission criteria is not to assert that a state policy undoubtedly qualifies as a supermax but instead to show how certain states segregation policies interpret supermax criteria. This may explain why states experience difficulties when reporting whether an institution would qualify as operating a supermax. Additionally, the inclusion of policies represents a guideline for the operation of penal institutions in the state, which are fully outlined protocols in resolving institutional conflicts. Therefore, each policy should delineate the type of inmate in long-term segregation, specify the timeline that make an inmate eligible to leave, the availability of mental health screening and psychiatric care, and privileges that are offered to inmates in supermax units.

Second, the researcher examined each correctional policy to determine the name of each state's long-term segregation confinement. The "name" identified by the researcher is the term used by the correctional agency to refer to a facility that employs long-term isolated segregation. Specifically, the researcher will ascertain if uniformity exists among the state names used for long-term segregation.

Third, research question 1 is assessed by identifying the four essential admission criteria outlined in Riveland's (1999) definition of supermax facilities. The first admission criterion, repetitive violent behavior, is a widely cited reason for inmates' admission to supermax confinement (Mears & Watson, 2006; Ross, 2007). The researcher utilized a definition of "violent behavior" as guided by the literature, which is any action that attempts to and/or harms others. The second and third criteria, escape risk and riotous behavior, further clarify the type of violations that will potentially result in supermax confinement. The researcher defines escape risk as any attempt to escape the penitentiary or evade detection by correctional authorities. Mears and Castro (2006) found approximately 77% of surveyed wardens supported isolating inmates in supermax units who attempt to escape prison (p. 408). The researcher defines riotous behavior as conduct that incites violence, destruction of prison property, or the security of the prison. Mears (2006) examined Ohio State Prison's supermax units and found policymakers and correctional administrators segregated inmates to prevent riots and institutional violence. The last criteria examined within the current study is whether the policy mentions threats to institutional safety, which often serve as a discretionary term to admit inmates. A threat to institutional safety is operationalized as any action as defined by the policy that

results in a breach of security or institutional operations of the facility (Kurki & Morris, 2001).

Fourth, the researcher observed whether the policy mentions an inmate being part of a security threat group (STG). Researchers have previously stated gangs represent a large portion of the supermax confinement population, which are the predominant security threat groups in correctional institutions (Kurki & Morris, 2001). Approximately 80% of wardens in a survey discussing the goals of supermax confinement agreed or strongly agreed that it is important to lessen the influence of gangs within the prison system (Mears & Castro, 2006).

Fifth, research question 2 examined the review process for inmates in long-term segregation units. A primary concern that garners criticism of supermax units is the idea that segregation is indeterminate inside these facilities. For example, Kurki and Morris (2001) stated a supermax facility differentiates itself from other disciplinary units because time served is indeterminate. However, an inmate in disciplinary segregation will serve time depending on the severity of his or her infraction. Each policy's classification system will be examined within this study. Additionally, the initial review process for each inmate serving time inside long-term segregation has been examined. Further, policies may contain orders for evaluating inmates on a monthly, quarterly, or yearly basis. The primary purpose of this aspect of the study is to determine whether supermax units or long-term segregation units operate in an indeterminate fashion.

Sixth, research question 3 examined whether the handling of inmates with mental illnesses are distinguished within the policies. For example, policies may clarify whether inmates developing or suffering from a mental illness should be offered treatment within

their segregation units. Haney (2003), in his analysis of mentally ill supermax inmates, concluded treatment programs and determinate timelines for release should be afforded to all inmates in supermax custody. Examining long-term segregation policies offers insight into the management and release of inmates, more specifically, inmates suffering from mental illnesses. In addition, determining whether correctional administrators offer special attention to mentally ill inmates can address concerns over inmate wellbeing in supermax facilities.

Seventh, research question 4 assesses the availability of privileges that are afforded to inmates. Specifically, the availability of programming to inmates, and the frequency of visitations and telephone calls that are afforded to inmates will be examined in research question 4. Hygiene and exercising opportunities are excluded from research question 4, because these activities are primarily uniform across correctional departments (Riveland, 1999). Supermax facilities routinely limit programming opportunities and the ability for an offender to accept visitors and make telephone calls (Kurki & Morris, 2001). Assessing the frequency of visitations, telephone calls, and whether programming options are allowed for supermax inmates can aid researchers in evaluating the punitive nature of supermax facilities.

#### Limitations

Efforts to examine long-term segregation policies are limited by the researcher's ability to gather segregation policies in their entirety, the ongoing debate over what constitutes a supermax unit (Naday et al., 2008), and the availability of information pertaining to the treatment of inmates with mental illnesses. In an effort to combat the limitations of the study, the researcher made special attempts to clarify what policies are

needed when speaking with representatives of each correctional department.

Additionally, the researcher determined whether a policy constitutes the operation of a supermax unit or facility by relying on previous peer reviewed research. Lastly, policies that do not have information regarding the treatment of mentally ill inmates in supermax units or other research questions have been notated accordingly.

### Data Analysis

The following four research questions have been assessed by conducting a content analysis of the 42 obtained policies.

1. What are the admission characteristics for supermax units, and are they discretionary?
2. Are inmates' classification levels in supermax units reviewed in a timely manner?
3. Are mental health professionals and other treatment options available to inmates in segregation units?
4. What privileges (visitation, telephone access, and programming opportunities) are offered to inmates in supermax units?

Each question will be examined utilizing a similar methodological approach found in Thompson, Nored, and Dial's (2008) study of the Prison Rape Elimination Act (PREA). Thompson et al. evaluated 28 states' policies pertaining to institutional sexual assaults. Utilizing eight variables found in the PREA, the authors created a table and placed an "x" under each variable in which the state complied. Additionally, when applicable, each research question has been evaluated by the use of frequency distributions to determine the percentage of states that possess a particular variable, such as threat to institutional

safety. However, research questions 2 and 4 require the inclusion of exact numbers, such as the length of time (in days) for initial and custodial review of an inmate's placement in supermax custody. Therefore, the research questions will require indicating the number mentioned in the policies to formulate, examine, and explain their meaning.

A regional analysis was utilized to examine geospatial differences among the four research questions. Previous research conducted by King (1999) found southern states appropriated and held the most inmates in supermax custody. The current analysis will examine which regions have the most exhaustive supermax policies, and determine if consistencies exist within regions. In a separate study, Mears and Castro (2006) assessed wardens' opinions of supermax facilities. The researchers aggregated the responses into regions -- which helped the researchers determine which region was most supportive of supermax prisons -- and found significant support for the effectiveness of supermax prisons from southern wardens, supermax wardens, and wardens who endorse deterrence beliefs.

CHAPTER IV  
ANALYSIS OF DATA

Forty-two state policies are included in the study, which represents 84% of the targeted population. Some of the obtained policies lack adequate information to answer research question(s), and have been notated accordingly.

Admission Characteristics for Supermax Units

Research question 1 posits, “What are the admission characteristics for supermax units, and are they discretionary?” Table 1 presents a summary of the findings, which is discussed in the following section. The only state that does not utilize any of the five admission characteristics is Georgia.

Table 1

*Overview of Supermax Admission Characteristics*

Five Supermax Admission Criteria	n = 42	Percent
Repeat Violent Behavior	31	74
Escape Risk	28	67
Riotous Behavior	19	45
Threat to Institutional Safety	41	98
Security Threat Group	15	36

Note. All percentages are rounded to the nearest whole number.

Tables 2a-2d assess research question one by utilizing an “X” to notate whether a state qualifies for one of the five classification criteria for supermax facilities: (a) Repeat Violent Behavior, (b) Escape Risk, (c) Riotous Behavior, (d) Threat to Institutional Safety, and (e) Security Threat Group. Additionally, states have been divided into geographic regions utilizing categories as defined by King (1999). Tables 2a-2d also

present the names of each state's supermax unit. Identification of the language used to indicate the existence of a "supermax unit" is important because some states may operate under different names, such as "administrative segregation unit," and part of the problem with studying supermax prisons is the ambiguity in naming such restrictive units (Naday et al., 2008; Wells et al., 2002).



Table 2a

*Northeastern Admission Characteristics of Supermax Prisons*

State	Segregation Term in Policy	Repeat Violent Behavior	Escape Risk	Riotous Behavior	Threat to Institutional Safety	Security Threat Group
Connecticut	Administrative Segregation	X	X	X	X	X
Maine	High Risk Management Unit	X	X		X	
Massachusetts	Segregation Units	X			X	
New Hampshire	Special Housing Unit				X	
New Jersey	Management Control Unit				X	
New York	Security Housing Units - Administrative Segregation				X	
Pennsylvania	Administrative Custody – Restricted Release List	X	X	X	X	X
Rhode Island	C-Category Confinement				X	
Vermont	Administrative Segregation	X	X	X	X	
Total (n = 9)		5 56%	4 44%	3 33%	9 100%	2 22%

Note. Percentages are rounded to the nearest whole number.

Table 2b

*Midwestern Admission Characteristics of Supermax Prisons*

State	Segregation Term in Policy	Repeat Violent Behavior	Escape Risk	Riotous Behavior	Threat to Institutional Safety	Security Threat Group
Illinois	Closed Maximum Security	X	X	X	X	X
Indiana	Administrative Segregation	X	X	X	X	X
Kansas	Administrative Segregation	X	X		X	
Michigan	Administrative Segregation	X	X		X	
Minnesota	Administrative Control Unit	X	X	X	X	
Missouri	Long-Term Administrative Segregation				X	
Nebraska	Administrative Segregation / Confinement	X	X		X	X
Ohio	Level (5) – Security Control	X	X	X	X	X
South Dakota	Administrative Segregation	X	X	X	X	
Total (n = 9)		8 89%	8 89%	5 56%	9 100%	2 44%

Note. Percentages are rounded to the nearest whole number.

Table 2c

*Southern Admission Characteristics of Supermax Prisons*

State	Segregation Term in Policy	Repeat Violent Behavior	Escape Risk	Riotous Behavior	Threat to Institutional Safety	Security Threat Group
Alabama	Administrative Segregation – Close Custody	X	X	X	X	
Arkansas	Segregation	X	X		X	
Florida	Close Management Housing	X	X	X	X	
Georgia	Administrative Segregation					
Kentucky	Administrative Control Status	X	X	X	X	X
Louisiana	Administrative Segregation	X			X	
Mississippi	Long-Term Administrative Segregation	X	X		X	X
North Carolina	High Security Maximum Control	X	X	X	X	
Oklahoma	Long-term Administrative Segregation				X	
South Carolina	Maximum Security Unit	X	X	X	X	
Tennessee	Administrative Segregation (Maximum custody)	X	X	X	X	X
Virginia	Segregation				X	
West Virginia	Administrative Segregation	X	X	X	X	X
Total (n = 13)		10 77%	9 69%	7 54%	12 92%	4 31%

Note. Percentages are rounded to the nearest whole number.

Table 2d

*Western Admission Characteristics of Supermax Prisons*

State	Segregation Term in Policy	Repeat Violent Behavior	Escape Risk	Riotous Behavior	Threat to Institutional Safety	Security Threat Group
Alaska	Administrative Segregation Maximum	X	X	X	X	X
Arizona	Administrative Detention				X	
California	Administrative Segregation - Security Housing Unit	X			X	X
Colorado	Administrative Segregation	X	X	X	X	X
Idaho	Administrative Segregation	X	X		X	
Montana	Administrative Segregation				X	
Nevada	Maximum Custody Administrative Segregation	X	X		X	
New Mexico	Security Housing Unit (Level VI)	X	X	X	X	X
Oregon	Intensive Management Unit (Level 5)	X	X	X	X	
Washington	Intensive Management Unit	X	X		X	X
Wyoming	Long-term Administrative Segregation				X	
Total (n = 11)		8 73%	7 64%	5 36%	9 100%	5 45%

Note. Percentages are rounded to the nearest whole number.

*The Five Admission Characteristics*

The most notable finding within Table 1 is the number of states that utilize “threat to institutional safety” to admit offenders into supermax custody. Approximately 98% of the sample included threat to institutional safety as a reason for supermax admission. The only state that does not incorporate this admission characteristic into their departmental policy is Georgia (See Table 2c), which does not comply with any of the five admission characteristics. A majority of correctional departments may include threat to institutional safety to cover any act or behavior that might not be explicitly stated within the policy. Forty-one states incorporate this variable as an admission characteristic for supermax prisons. Therefore, “threat to institutional safety” is an integral part of supermax admissions.

The variable that most frequently accompanies threat to institutional safety is repeat violent behavior, which is the second highest characteristic for supermax admission (see Table 1). Examination of the policies reveal repeat violent behavior constitutes conduct such as fighting, inmate on inmate violence, inmate on staff assault, and any behavior that involves physical assault. Table 1 reveals approximately 74% of the sample included repetitive violent behavior as an admission criteria, which indicates correctional administrators’ procedure to prevent institutional hostility from the worst of the worst inmates.

The third and fourth most prevalent characteristics in supermax admission policies are escape risk and riotous behavior (see Table 1). Interestingly, 11 states (see Tables 2a-2d) noted escape risk as a reason for inmate placement in supermax custody, but these same state policies did not include riotous behavior. However, the 11 states that

do not incorporate riotous behavior as an admission characteristic may use threat to institutional safety to account for such behaviors. For example, Oklahoma's directive for supermax placement identifies inmates that will be removed from general population, such as those who constitute a threat to staff, other inmates, or the security of the institution. Therefore, this state's use of "threat to institutional safety" can include riotous behavior under such a broad criteria.

The fifth and final admission characteristic, security threat group, was not included in the NIC's (1997) definition of inmates suitable for supermax placement. However, due to the recent increase of gang members serving time in supermax units, this characteristic has been added to the current study (Kurki & Morris, 2001). Approximately 36% of the sample incorporates gang membership or participation in a security threat group as an adequate reason for inmate supermax placement (see Table 1). Additionally, a majority of states that include security threat group as an admission characteristic were also likely to include four or five of the admission criteria in their policies. Only one state, California, specifically targets gang members for supermax placement while only incorporating three admission criteria in their policy, omitting escape risk and riotous behavior (see Table 2d).

#### *Regional Analysis of Admission Criteria*

Table 3 (an abbreviated version of Tables 2a-2d) presents a regional comparison of supermax policies. Examining the sample by geographic location is important because it allows researchers to analyze similarities and differences in policies across regions, which is especially important for the study of supermax prisons. Table 3 reveals that slightly more than one-half (approximately 54%) of the sample states possess at least four

admission characteristics. States incorporating three or more admission characteristics in their policies comprise approximately 71% of the sample, whereas only 17% of the states incorporate three admission characteristics -- and six of those seven states omit riotous behavior or security threat group membership as reasons for supermax placement. This finding is notable because it suggests riotous behavior and security threat group membership are not seen as integral reasons for supermax placement, regardless of geographic location. This finding is supported by the results presented in Table 1.

Table 3

*Regional Differences among State Supermax Admission Characteristics*

Region	One Admission Criteria	Two Admission Criteria	Three Admission Criteria	Four Admission Criteria	Five Admission Criteria
Northeast (n = 9)	4 44%	1 11%	1 11%	1 11%	2 22%
South (n = 12)	2 17%	1 8%	1 8%	5 42%	3 25%
Midwest (n = 9)	1 11%	0 00%	2 22%	3 33%	3 33%
West (n = 11)	3 27%	0 00%	3 27%	2 18%	3 27%
Total (n = 41)	10 24%	2 5%	7 17%	11 27%	11 27%

Note. Percentages are rounded to the nearest whole number.

Note. Georgia is omitted from the current table, because the state lacks all five admission characteristics. The Southern region is missing data from Georgia, Delaware, Texas, and Maryland. The Midwestern region is missing policies from Wisconsin, Iowa, and North Dakota. The Western region is missing data from Utah and Hawaii.

An examination of Table 3 reveals that approximately 44% of the states in the Northeastern region possess only one admission characteristic, the highest among the geographic regions. Specifically, Rhode Island, New York, New Jersey, and New Hampshire are the four Northeastern states that include only one characteristic. These

four state policies emphasize “threat to institutional safety” to elevate inmate status to supermax incarceration. The Northeastern region is also unique because it includes only four states with three or more admission criteria, which is less than half (44%) of the states within that region. In comparison, the Midwest also includes nine states, yet a majority (88%) implements policies with three or more admission criteria.

The Southern region encompasses the largest number of states in the sample ( $n = 12$ ). Unlike the Northeastern region, a majority ( $n = 9$ , or 75%) of Southern states include three or more admission criteria in their departmental policies for supermax placement. A notable finding in Table 3 is that the Southern region has the highest proportion of states ( $n = 5$ , or 42%) with four admission criteria. Four states in the Southern region omit security threat group participation as a qualification for supermax placement. An examination of Table 1 reveals that other states with four admission criteria also omit security threat groups an admission variable. The other three regions (Northeast, Midwest, and West) have six states with four admission criteria, and four states omit security threat group as a requirement for supermax incarceration.

Regardless of geographical location, there is marginal consistency for supermax admission criteria within the applicable policies across states (see Table 3). For example, Northeastern state policies predominantly require only one or two admission criteria. However, an analysis of the Western region shows an almost equal distribution of states across each admission characteristic, except for those states incorporating two admission characteristics. Table 3 also reveals discontinuity in admission characteristics across states in the Northeast and Southern regions. Southern states are more likely to adhere to and incorporate the NIC (1997) definition of supermax admission criteria whereas states



in the Northeastern region rely on relatively few criteria. Further, it is worth noting the inconsistent distribution of the five admission characteristics across geographic regions as a whole. Inclusion of admission criteria in the state policies is clearly disparate. While states incorporating only two admission criteria ( $n = 2$ ) are less frequent, regardless of geographic location, states relying on one, three, four, or five admission criteria are approximately the same.

#### *Names of Supermax Policies*

Table 4 presents the number of admission criteria included in state policies that use the most common term for supermax units (“administrative segregation”) as compared to state policies utilizing other names for these facilities. Table 4 allows the researcher to determine if similarities exist for policies with the name “administrative segregation” in comparison to policies using other terminology. Approximately 72% of states with “administrative segregation” in their policy title incorporate three or more admission characteristics. Meanwhile, for policies in the “other” category, which represents all directives without the title of administrative segregation, 68% of the correctional departments utilize three or more admission characteristics. Thus, there are only minor differences among the number of admission characteristics for state policies that incorporate the term “administrative segregation” to describe their supermax policy compared to the “other” category. For example, both groups have an equal amount of states incorporating one and two admission criteria. Additionally, both groups have almost an identical number of states incorporating four or five admission criteria.

Table 4

*Names of Supermax Policies Comparison*

Policy Name	One Admission Criteria	Two Admission Criteria	Three Admission Criteria	Four Admission Criteria	Five Admission Criteria
Administrative Segregation (n = 22)	5	1	5	5	6
Other (n = 19)	5	1	2	6	5

Note. Georgia is omitted from the current table, because the state lacks all five admission characteristics.

The majority of states that utilize “administrative segregation” in their policy titles are located in the Southern and Western regions, which includes seven states in each region, as illustrated by Tables 2a-2d. The Midwestern region has the highest number of state policies utilizing the term “administrative segregation,” with six correctional departments describing their supermax policies as a form of “administrative segregation.” The Northeastern region differentiates itself by having the least number of supermax policies incorporating the term “administrative segregation.” Three states, or approximately 33%, of the Northeastern region title their supermax policies with a variation of the term “administrative segregation.” Although the majority of states in the sample utilize “administrative segregation” to describe their policy, it appears there are few differences between the two groups. Additionally, the Northeastern region seems to have the most distinct supermax policies, as they tend to use fewer admission characteristics and refrain from associating their policies with administrative segregation.

#### Supermax Classification Review

Research question two asks, “Are inmates’ classification levels in supermax units reviewed in a timely manner?” Answering this question requires operationalization of the

term “timely.” According to Haney (2003), “Most states conduct periodic reviews of such indeterminate sentences. But the reviews are typically pro forma and continued supermax placement is virtually always authorized” (p. 151). Haney’s assessment of the review process for supermax placement does not define a timely classification review, it does however, offer insight into the review process for many correctional departments. Therefore, timely varies according to the policy of each correctional department, and is dependent upon the discretion of the reviewing committee (Kurki & Morris, 2001). The majority of scholarly literature on correctional administration indicates frequent reviews per year can help establish a timeline for inmate release from supermax custody (Kupers et al., 2009; Kurki & Morris, 2001; Mears, 2006).

Table 5 presents a summary of the findings from Tables 6a-6d. It is important to note the initial and custodial review processes are not designed to evaluate the mental health of the offender but instead examine whether such confinement is warranted and to establish goals for release. The first characteristic, initial review for supermax placement, attempts to determine whether an inmate is suitable for extreme isolation. Additionally, in most occurrences of the initial review process, the inmate is informed of the reason for supermax placement and the proper procedure to file an appeal of an administrative decision. For example, Colorado’s supermax policy states an inmate will be reviewed weekly for the first two months following placement in administrative segregation. Colorado’s supermax policy specifically reads the purpose of weekly review is to verify whether inmate placement in administrative segregation is still warranted. Additionally, Colorado’s classification committee does not allow inmates to appeal review decisions. However, other state policies, such as Nebraska’s Department of Corrections, incorporate

an exhaustive directive for conducting an initial review of inmates in administrative segregation. For example, inmates in administrative segregation have their classification status reviewed by a unit classification committee on a weekly basis for the first two months. Following this period, Nebraska's classification committee will convene and prepare a formal statement, which is forwarded to the warden for final approval. During this process the inmate is allowed to appeal his or her hearing outcome. The prisoner's appeal is heard by the administrative segregation board, which Nebraska's policy explicitly creates to specifically handle appeals from administrative segregation inmates.

Table 5

*Summary of Classification Review Findings*

Region	Initial Review – Within First Seven Days	Custodial Review – Minimum of Every 180 Days
Northeast (n = 9)	4 44%	7 78%
Midwest (n = 9)	4 44%	8 89%
South (n = 13)	8 62%	11 85%
West (n = 11)	4 36%	8 73%
Total (n = 42)	20 48%	35 83%

Note. All percentages have been rounded to the nearest whole number.

Table 6a

*Northeastern Classification Reviews*

State	Initial Classification Review	Custodial Classification Review	Name of Review Committee
Connecticut	First 30 Days	Yearly	Director of Offender Classification and Population Management
Maine	First 15 Days	Every 180 Days	Unit Management Team
Massachusetts	Every Week for First Two Months	Every 30 Days	Classification Committee
New Hampshire	Every Week for First Two Months	Every 30 Days	Administrator of Classification
New Jersey		Every 90 Days and Yearly	Management Control Unit Review Committee
New York	First 14 Days	Every 60 Days	Central Office Committee
Pennsylvania	Every Week for First Two Months	Every 90 Days	Program Review Committee
Vermont	Every Week for First Two Months	Every 30 Days	Segregation Review Committee

Note. Rhode Island does not have a classification review directive.

Table 6b

*Midwestern Classification Reviews*

State	Initial Classification Review	Custodial Classification Review	Name of Review Committee
Illinois		Every 180 Days	Director / Deputy Director
Indiana	Every Week for First Two Months	Every 30 Days	Classification Committee
Michigan	Every Week for First Two Months	Every 30 Days	Security Classification Committee
Minnesota	First 15 Days	Every 180 Days	Administrative Control Status Committee
Missouri	First 30 Days	Every 90 Days	Administrative Segregation Committee
Nebraska	Every Week for First Two Months	Every 180 Days	Unit Classification Committee
Ohio	Every Week for First Two Months	Security Control – Every 30 Days / Level 5 Classification – Yearly	Unit Team
South Dakota		Every 90 Days	Administrative Segregation Hearing Board

Note. Kansas does not have a classification review directive.

Table 6c

*Southern Classification Reviews*

State	Initial Classification Review	Custodial Classification Review	Name of Review Committee
Florida	<i>First 30 Days</i>	Every 120 Days	Institutional Classification Team
Georgia	Every Week for First Two Months	Every 30 Days	Classification Committee
Kentucky	Every Week for First Two Months	Every 90 Days	Adjustment Committee
Louisiana	Every Week for First Two Months	Every 30 Days	“Appropriate Review Board”
Mississippi	First 7 Days	Every 90 Days	Unit Review Team
North Carolina		Every 30 Days and 180 Days	Case Manager and Director’s Classification Committee
Oklahoma	Every Week for First Two Months	Every 30 Days	Classification Committee
South Carolina	Every Week for First Two Months	Every 30 Days	Maximum Security Unit Review Board
Tennessee	Every Week for First Two Months	Every 30 Days	Administrative Review Panel
Virginia	First 10 Days	Every 90 Days	Institutional Classification Authority
West Virginia	Every Week for First Two Months	Every 30 Days	Administrative Segregation Committee

Note. Alabama and Arkansas do not have a classification review directive.

Table 6d

*Western Classification Reviews*

State	Initial Classification Review	Custodial Classification Review	Name of Review Committee
Alaska		Every 120 Days	Superintendent
California	Every Week for First Two Months	Every 180 Days	Institutional Classification Committee
Colorado	Every Week for First Two Months	Every Thirty Days	Classification Committee
Idaho	First 7 Days	Every 120 Days and Yearly	Restrictive Housing Review Committee
Nevada	First 30 Days	Every Thirty Days	Classification Committee
New Mexico	Every Week for First Two Months	Every Thirty Days and Yearly	Unit Management Team
Oregon	First 30 Days		Special Population Management Committee
Washington	First 30 Days	Minimum of Every 180 Days	Facility Risk Management Teams
Wyoming	First 30 Days	Every Ninety Days	Unit Management Team

Note. Arizona and Montana do not have a classification review directive.

Every state correctional department develops their own unique guidelines to review and classify inmates in supermax custody. Tables 6a-6d support this proposition because numerous methods of review and classification exist for each state. Further, Tables 6a-6d include the length of time (in days) for the initial review, custodial review, and the name of the classification committee in each state's supermax policy.

Additionally, classification reviews in some state policies require two separate custodial reviews. For example, New Jersey's Management Control Unit Review Committee reviews inmates on a quarterly and annual basis, with a more extensive, lengthy annual review. Some state correctional departments require more than one reviewing party to verify the classification of inmates into supermax custody. For example, New Hampshire



inmates in the Security Housing Unit (level 5) are recorded, verified, and reviewed by the Administrator of Classification. However, the warden reviews inmates serving over 3 months in the SHU. Further, when a SHU inmate exceeds time served of six months, the commissioner of the New Hampshire Department of Corrections must review the inmate's classification level.

### *The Initial Review Process*

The initial review process attempts to determine whether supermax placement is warranted for a specific offender. Table 5 reveals that approximately 48% of the policies mandate initial reviews of inmates within the first seven days of supermax placement. Tables 6a-6d further report a considerable amount of disparity among states' initial review process. For example, Nevada requires peremptory reviews inmates entering supermax custody within the first three days of placement whereas Massachusetts and many other state supermax policies instruct administrators to conduct a thorough initial review process that occurs over two months. Interestingly, approximately 43% of policies in the sample require weekly review of inmates in supermax custody for two months after placement. The purpose of states evaluating an inmate on a weekly basis over a two-month period is to verify the prisoner is suited for administrative segregation by observing inmate behavior, then discussing the prisoner's adjustment to supermax confinement. Correctional departments in Tennessee and California require classification committees to convene weekly over a two-month period and discuss the inmate's welfare. Yet, these two state policies require different lengths of time before initiating a custodial review. Tables 6a-6d illustrate the majority of states requiring weekly

examinations of an inmate over a two-month period are located in the Southern region (n = 7, or 54%).

The geographic region with the most variation of initial classification review is the Northeast with four unique review directives, representing approximately 44% of the state policies. While four state correctional departments in the Northeast review inmates weekly over a two-month period, three departments (Connecticut, Maine, and New York) require a committee decision within the first month to determine the necessity of supermax placement or the inmate's ability to adapt to isolation. However, the other three regions (Midwest, Southern, and West) have a comparable number of disparate review processes. For example, the West has four varying initial review mandates across nine states, which is approximately 36% of policies in the region. Approximately 31% of state policies in the Southern region utilize a unique initial classification process. For example, Mississippi allows for seven days; Florida, 30 days; and Virginia permits 10 days for the initial classification to occur.

#### *Custodial Reviews*

Department of corrections' policies indicate that custodial reviews are supposed to occur within the number of days indicated in the state's supermax directive. However, this time period can be shortened by prison administration when it is evident an inmate is ready for release from administrative segregation. Custodial reviews typically assess an inmate's actions, behaviors, and attitudes while in supermax custody to determine a potential timeline for declassification of their security level and release. For example, in Illinois the prison administrator must conduct a personal interview with the supermax inmate every 180 days and decide whether to release the offender. The decision to

release the offender relies on the administrator's determinations regarding the inmate's threat to the security of the institution, their disciplinary history, and "other penological interests." However, the criteria for release vary across state correctional agencies. California's Department of Corrections and Rehabilitation mandates review of an inmate in supermax housing every 180 days, similar to Illinois' directives. The difference between the two agencies is the emphasis placed on the criteria assessed by the prison administrator to determine release. In California, active gang membership is regarded as a severe threat to the security of an institution, and is considered adequate justification for prolonged supermax placement, whereas Illinois' policy does not mention gang membership as a basis for continued placement in administrative segregation.

Table 5 reveals approximately 83% of the sample requires custodial reviews within six-month or less intervals. However, wide variation also exists in the time period mandated for custodial review of inmates in supermax custody, similar to the disparity in the initial review process. Tables 6a-6d illustrate custodial classification reviews required every 30 days are the most common among state policies (n=13), representing approximately 31% of the sample. Close examination of Tables 6a-6d reveal a notable pattern in state policies. State correctional departments with an initial weekly review for the first two months are more likely to require custodial review every 30 days. The two variables occur together for 15 states, which represents approximately 36% of the sample. Further, the two review processes exist together across all geographic regions, occurring with the most frequency in the Southern region.

The shortest custodial reviews presented in Tables 6a-6d are policies requiring monthly examinations of supermax inmates, while the longest are reviews occurring

yearly. Four correctional department policies indicate a yearly custodial review, but three of those states also mandate shorter custodial reviews. Connecticut is the only state supermax policy that requires custodial review only one time per year.

Tables 6a-6d comparisons of custodial review policies across geographic regions provide negligible findings. In total, there are six unique custodial classification lengths of review (in days) 30, 60, 90, 120, 180, and 365 (yearly). The Northeastern and Western regions have five variations for custodial review periods. The Midwestern and Southern regions follow closely behind with four differences in state policies. The Southern region has the most consistency among custodial reviews with seven states examining inmates every thirty days, which is approximately 54% of the states in the region.

#### *Classification Committee Names*

The purpose of developing a list of names used in state supermax policies for classification committees is to determine if a state correctional agency has developed a directive specifically designed to handle their worst of the worst offenders. A team with specialized knowledge of serious offenders has a greater capacity to make informed decisions regarding the admission or removal of supermax inmates. Tables 6a-6d reveal twenty-two (n=22) unique names for classification committees that review the status of supermax inmates. Most classification committees have generic names, such as simply referring to the reviewing entity as the “classification committee.” Yet, other state policies provide more specific terms. For example, Idaho refers to their supermax classification committee as the “restrictive housing review committee.” Interestingly, 12 states (approximately 29% of the sample) have classification committees with names corresponding to the type of offenders. For example, Vermont uses the term “segregation

review committee” and Tennessee’s policy defines an “administrative review panel” to make supermax inmate classification decisions.

Of the state policies creating classification committees to handle inmates in supermax housing, there are few comparisons. For example, Missouri and West Virginia’s correctional agencies both create an “administrative segregation committee,” but the initial and custodial reviews are different in each state’s policy. As mentioned earlier, approximately 36% of the sample requires inmates to be reviewed weekly for two months and have custodial reviews every 30 days. However, only four of the twelve states with committees specifically created for supermax confinement have both aforementioned timed review criteria. The remaining states lack any notable comparisons, which add to the confusion surrounding the true nature and purpose of supermax facilities. Only two states, Illinois and Alaska, require the superintendent or director to conduct the review of the inmate in administrative segregation. However, in the majority of supermax policies, a classification committee’s decision must be forwarded to the warden or commissioner for final approval.

Geographical examinations of the names given to classification committees (see Tables 6a-6d) reveal few notable comparisons. While the South has the most states with similar classification review processes, there are 10 different names for classification committees in the region. Furthermore, the other regions (Northeast, West, and Midwest) have similar variation in classification committee names within their state policies.

It is interesting to note that the Southern region has the most comparable policies for reviewing inmates and incorporates the most admission characteristics within their policies (as seen in Tables 2a-2d). Overall, Tables 6a-6d present marginal consistency

among states' review processes of supermax inmates. No custodial review exceeds one year, and only one state exclusively mandates review once per year. Additionally, 34 state policies (approximately 81% of the sample) conduct custodial reviews within six months of placement in administrative segregation. Thus, the majority of states in the sample mandate what can be considered by scholarly literature on correctional administration as a "timely" review of supermax inmate placement.

### Mental Health Amenities

Research question three assesses the availability, handling, and application of mental health services to inmates in supermax custody. A comprehensive examination of supermax policies has not previously been conducted, which makes operationalizing the mental health variables based upon existing literature difficult. However, past research shows inmates in supermax custody often enter confinement with mental illnesses or develop mental illness after placement, which largely go untreated (Arrigo & Bullock, 2008; Haney, 2003). Additionally, most institutions employ few mental health staff members, which results in a myriad of problems for inmates with special mental health needs. Alternative strategies have been recommended for inmates with mental illnesses, and mental health staff should remain proactive in searching for symptoms of mental distress among supermax inmates (Haney, 2003).

Following a thorough examination of the literature and analysis of each state's supermax policy, six mental health guidelines were found, which assess the manner in which mental health care is provided to inmates in supermax custody. These six guidelines include: (a) admitting mentally ill inmates to supermax custody, (b) preliminary or immediate evaluations, (c) reactionary strategies for treating or removing

mentally ill inmates, (d) precautionary strategies, (e) daily visits by mental health staff, and (f) mental health evaluations within the first 30 days and every 90 days after. A complete table of mental health directives for each state is included in Appendix A.

It is important to note certain variables encompass numerous terms, such as the third guideline, which includes the reactionary or preventative techniques correctional agencies use to remove mentally ill inmates from supermax placement. For example, California's policy permits inmates requiring psychiatric services to be placed in a psychiatric service unit instead of a segregated housing unit. Alternatively, Alabama's correctional policy requires mental health professionals to determine if an inmate's mental health status is "contraindicated" or worsened by supermax placement, which assists administrators in determining whether to remove an inmate from administrative segregation.

Some mental health directives do not fit within one of the six guidelines and are not included in the analysis. However, these regulations are important. For example, South Carolina is the only state to include a directive offering mental health services to correctional officers who work within the maximum-security ward. Another example is seen in the policies of Florida and Washington, which utilize individual service plans (ISPs) to ensure inmates receive appropriate mental health treatment.

Some states have separate and distinct mental health policies for inmates in supermax custody, such as Alabama, Alaska, Arkansas, Florida, and New York. The remaining mental health directives are found within the correctional agencies' supermax policy. The six variables assessed in the following tables each examine a unique aspect of the provision of mental health services for supermax inmates. The first health guideline

requires a specific mental health review timeline for inmates in supermax custody. Thirty-four states, or approximately 83% of the sample, include a specific directive for the frequency of mental health examinations. However, the most common review process found within state supermax policies mandates inmate review within the first 30 days of segregation placement and every 90 days after by a clinical mental health professional. The review timeline for the first variable was selected based upon the frequency states incorporated this specific review time into policy. The remaining states require daily inmate visits, or a unique mental health review process. For example, Missouri's supermax policy mandates a mental health professional review inmates in administrative segregation on a yearly basis, which constitutes the longest frequency of mental health review in the sample.

Arrigo and Bullock (2008) conclude prolonged and indefinite supermax placements are detrimental to an inmate's wellbeing, which is especially problematic for inmates with existing mental illnesses that enter supermax custody. Therefore, the second health guideline incorporated into this content analysis assesses whether states offer a preliminary or immediate evaluation of an inmate's mental health status before and/or after entering supermax placement. One example of a state policy mandating an immediate mental health evaluation consolidated under the second guideline is California's directive, which mandates a mental health evaluation during an inmate's initial review process into security housing units. Another example is Idaho's segregation policy, which requires mental health staff visit inmates diagnosed with mental illnesses within one day of segregation placement.



In a study of Colorado's administrative segregation population, O'Keefe (2008) found a disproportionate number of supermax inmates suffer from a mental disorder in comparison to the general prison population. Another study by Hartman (2008) assessed California's Pelican Bay Prison and critiqued the operation of supermax facilities from various administrative functions, including the treatment of mentally ill offenders. Both O'Keefe (2008) and Hartman (2008) discuss the necessity of increasing treatment options for inmates with mental disabilities. In an effort to assess the concerns of researchers regarding the frequency of treatment for inmates, health guideline three in the content analysis examines whether a state policy mandates a daily assessment to the supermax ward by a mental health professional or staff member. Although O'Keefe (2008) and Haney (2003) discuss the problem of limited resources in correctional departments to ensure frequent and consistent adequate medical care, some state policies mandate supermax inmates receive daily visits by mental health professionals. The primary purpose of daily visits is to answer inmate requests for medical assistance in addition to visiting offenders as requested by correctional officers.

The fourth mental health guideline included in the current analysis examines whether a state correctional policy discusses reactionary strategies for treating or relocating inmates with mental illnesses from supermax custody. Kupers et al. (2009) discuss problems the Mississippi Department of Corrections encountered by neglecting to prevent or relocate inmates with mental illnesses from supermax custody. Additionally, the United States Supreme Court has intervened in states' operations of supermax prisons with their decision in *Madrid v. Gomez* (1995) where the Court ruled the practice of administrators knowingly admitting inmates with mental illnesses into supermax units is

unconstitutional. Therefore, for purposes of this study, a reactionary behavior is defined as conduct that comprises the actions of correctional administrators and mental health professionals after identifying inmates who may be developing a mental illness. For example, Mississippi's administrative segregation policy mandates correctional officers observe supermax inmate behavior in 30-minute intervals. However, if an inmate is acting strangely or causing disruptions, he or she will be observed more frequently. On the other hand, Oregon's policy is more thorough and involves direct treatment by clinical staff, which includes crisis intervention, behavioral contracts, anger management, and other services.

Slate and Johnson (2008) discuss the difficulties that face correctional administrators when handling inmates with mental illnesses. Difficulties such as rising costs of treatment, untrained correctional staff, and lack of appropriate screening tools all contribute to meager treatment opportunities for inmates. However, some states attempt to minimize the opportunity for supermax inmates to develop mental illnesses by mandating precautionary strategies. Specifically, the fifth health guideline in this study includes directives excluding inmates with mental disorders from entering supermax custody. For example, Oregon's supermax policy allows mentally ill offenders to serve time in a mental health infirmary rather than intensive management units. Alternatively, Alabama's supermax policy directs administrators to determine if administrative segregation contraindicates or worsens an inmate's mental health.

The sixth health guideline included in this content analysis examines whether state correctional policies allow mentally ill inmates to be admitted into supermax custody. Many states will admit mentally ill offenders into supermax custody to ensure

they receive medical treatment, because funding is limited. Additionally, Riveland's (1999) analysis of an earlier National Institute of Corrections survey revealed discrepancies exist among correctional jurisdictions regarding the admission or exclusion of inmates with mental illnesses from supermax custody. Riveland concludes inmates with mental illnesses should not be admitted to supermax custody because treatment programs may have little benefit due to the detrimental effects of isolation. Therefore, it is important to assess the number of states that view supermax placement as a method to control and treat inmates with mental illnesses.

#### *Regional Analysis of Mental Health Guidelines*

Table 7 presents a regional analysis of the six mental health guidelines, discussed in the previous section. The total and regional columns comprise frequency distributions for states meeting a specific mental health guideline. Rhode Island did not meet any of the six mental health guidelines and was excluded from Table 7. Similar to Table 1's use of admission criteria, a majority of the states in Table 7 qualify for more than one mental health guideline. For example, a major finding within Table 7 is states within the Southern region qualify for 33 mental health guidelines. This number of states exceeds all other regions, including the Western region, which has the second highest number of state policies meeting mental health guidelines (n=24). The Midwestern region has the least amount of qualified directives of the six mental health guidelines (n=16). Additionally, the Southern region has the highest number of state policies that qualify for mental health guidelines one, two, and five than any other region. Both the Southern and Northeastern regions have six states that meet health guideline three, which mandates daily supermax visits from mental health staff. However, the Southern region has only

one state policy (Kentucky) permitting the placement of mentally ill inmates into supermax custody, guideline six. It is important to note the Southern region possesses the most supermax policies (n=13) compared to the Northeastern region (n=8) with the fewest number of supermax policies. However, the use of frequency distributions allows for comparable results across geographic regions.

Table 7

*Mental Health Guidelines for Supermax Inmates*

Mental Health Guidelines	Northeast (n = 8)	Midwest (n = 9)	South (n = 13)	West (n = 11)	TOTAL (n = 41)
1. Perform mental evaluations for inmates in supermax custody over 30 days and every 90 days after.	5 63%	2 22%	9 69%	5 45%	21 51%
2. Offer preliminary or immediate mental health evaluations after supermax placement.	2 25%	4 44%	7 54%	5 45%	18 44%
3. Health care staff will visit inmates daily.	6 75%	1 11%	6 46%	4 36%	17 41%
4. Enforce reactionary strategies for treating or removing inmates with mental illnesses from supermax placement.	3 38%	5 56%	4 31%	3 27%	15 37%
5. Mandate precautionary strategies for observing or assisting inmates with symptoms of mental illnesses in supermax custody.	3 38%	2 22%	6 46%	4 36%	15 37%
6. Inmates with severe mental illnesses can be admitted to supermax custody to ensure the safety of other inmates and staff.	0 00%	2 22%	1 08%	3 27%	6 15%

Note. Percentages are rounded to the nearest whole number.

Note. Forty-one state policies are included in Table 5.

Note. Rhode Island has been removed from the analysis, because the state does not meet any of the characteristics in Table 5.

Note. The Northeastern region consists of the following states: CT, ME, MA, NH, NJ, NY, PA, RI, and VT. The Midwestern region consists of the following states: IL, IN, KS, MI, MN, MO, NE, OH, and SD. The Southern region consists of the following states: AL, AR, FL, KY, GA, LA, MS, NC, OK, SC, TN, VA, and WV. The Western region consists of the following states: AK, AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

An interesting finding within Table 7 is the number of states requiring mental health evaluations within or immediately after the first 30 days of supermax placement and every 90 days afterwards. The review process in these state policies are very specific, and approximately 51% of the sample mandates this method of examining supermax inmates. Additionally, the majority of states incorporate this mental health guideline into policy. Approximately 69% of the states in the Southern region mandate this review process, which is followed closely by 63% of states in the Northeastern region. The Midwestern region has the least amount of states mandating supermax inmate review after the first thirty days of placement and every ninety days after with approximately 22%. Although there are considerable differences across the four regions with the first health guideline in Table 7, the majority of the sample embraces this particular review process.

The second mental health guideline in Table 7 reports 44% of state correctional policies offer preliminary or immediate mental health treatment after supermax placement as compared to 51% of state policies under the first guideline. The Southern region has the largest number of states that mandate guideline two in Table 7 with 54% of policies requiring supermax inmates receive a preliminary or immediate examination after placement. The Northeastern region has the lowest number of state correctional policies that require a preliminary mental health examination with 25%. The amount of variation across the geographic regions is quite remarkable because each region emphasizes certain mental health guidelines over others. For example, 75% of state supermax policies in the Northeastern region require mental health staff to visit inmates

daily. However, approximately 89% of the correctional policies in the Midwestern region do not mandate a daily visit from mental health staff.

The fourth mental health guideline in Table 7 includes directives that inform administrators and officers of the proper procedure when an inmate develops a mental illness while placed in a supermax unit. Approximately 37% of the sample includes reactionary procedures under this guideline, and approximately 56% of the Midwestern region's supermax policies mandate clinical intervention or removal of inmates who develop mental illness while in supermax custody from these restrictive units. As discussed in the previous paragraph, the focus of mental health care is dependent upon the region. The Midwestern region is an excellent example, as correctional departments in this area mandate reactionary strategies for assisting mentally ill inmates than engaging in daily clinical visits.

The sixth guideline in Table 7, which allows inmates with mental illnesses to enter supermax custody to receive treatment that is more suitable and to protect other inmates, represents approximately 15% of the sample. What is interesting about this particular guideline is the Western region has three supermax policies that explicitly state mentally ill inmates can enter supermax custody. Only six correctional policies allow mentally ill inmates to enter supermax confinement, and the Western region accounts for 50% of these state policies. However, a brief overview of Table 7 reveals state supermax policies discuss various strategies for handling mentally ill inmates, but regional comparisons are almost nonexistent.

*Regional and Individual State Mental Health Guidelines*

An advantage of examining state policies for supermax inmate mental health treatment options is the ability to determine the number of states that follow more than one guideline, and the specific requirements of each guideline. Table 8 consolidates this information and allows comparisons of state supermax mental health policies across and within each regional category. For example, Table 8 reports few states have four or more mental health guidelines incorporated into supermax policy. The Southern region contains three correctional policies that incorporate four mental health guidelines. Tables 8a, 8b, 8c, and 8d present states within the four regions that incorporate mental health guidelines one through six. Examining the tables together reveals three Southern correctional departments (Oklahoma, South Carolina, and Virginia) with mental health directives that incorporate four or more mental health guidelines. Table 8 utilizes frequency distributions, and Tables 8a, 8b, 8c, and 8d uses the letter “x” to indicate what mental health guideline is included in the state’s supermax correctional policy.



Table 8

*Regional Differences among Mental Health Guidelines*

Region	One Guideline	Two Guidelines	Three Guidelines	Four Guidelines	Five Guidelines	Six Guidelines
Northeast (n = 8)	1 13%	4 50%	2 25%	1 13%	0 00%	0 00%
South (n = 13)	3 23%	3 23%	4 31%	3 23%	0 00%	0 00%
Midwest (n = 9)	3 33%	5 56%	1 11%	0 00%	0 00%	0 00%
West (n = 11)	3 27%	3 27%	5 45%	0 00%	0 00%	0 00%
Total (n = 41)	10 24%	15 37%	12 29%	4 10%	0 00%	0 00%

Note. All percentages have been rounded to the nearest whole number.

Note. The policy obtained from Rhode Island (Northeastern region) has been removed from the analysis, because it lacks any of the six health guidelines.

An examination of Table 8 reveals state correctional policies tend to mandate one or two mental health guidelines, which accounts for approximately 61% of the supermax directives. Interestingly, no correctional policies include five or six mental health guidelines. However, it is important to note no law requires states to enforce all six mental health guidelines. Each mental health guideline attempts to identify when administrators can and/or should intervene by treating or transferring inmates in supermax custody. The most notable finding within Tables 8, 8a, 8b, 8c, and 8d is the amount of variation in the requirements needed for states to meet certain health guidelines. For example, the Northeastern region has four correctional policies that mandate two mental health guidelines. However, examining each of the four policies in Table 8a reveals each state policy does not enforce the same mental health guidelines. New Jersey and Maine enforce precautionary strategies and require daily mental health

staff visits. On the other hand, Pennsylvania's supermax policy enforces two different health guidelines, including reactionary strategies and implementing a review process within the first 30 days and every 90 days afterwards. This finding is also applicable to the remaining three geographic areas (South, Midwest, and West), which mandate disparate health guidelines as well.

Table 8a

*Northeastern State Analysis of Mental Health Guidelines*

State (n = 9)	Admit Mentally Ill Inmates to Supermax Custody	Preliminary or Immediate Evaluations	Reactionary Strategies For Treating or Removing Mentally Ill Inmates	Precautionary Strategies	Daily Visits	Mental Health Evaluations - First 30 Days and Every 90 Days After
Connecticut						X
Maine				X	X	X
Massachusetts		X			X	X
New Hampshire			X	X	X	X
New Jersey				X	X	
New York		X			X	
Pennsylvania			X			X
Rhode Island						
Vermont			X		X	

Table 8b

*Midwestern Analysis of Mental Health Guidelines*

State (n = 9)	Admit Mentally Ill Inmates to Supermax Custody	Preliminary or Immediate Evaluations	Preventative or Reactionary Strategies For Removing Mentally Ill Inmates	Precautionary Strategies	Daily Visits	Mental Health Evaluations - First 30 Days and Every 90 Days After
Illinois	X					
Indiana		X	X			
Kansas	X	X				X
Michigan			X	X		
Minnesota		X	X			
Missouri				X		
Nebraska						X
Ohio			X		X	
South Dakota		X	X			

Table 8c

*Southern Analysis of Mental Health Guidelines*

State (n = 13)	Admit Mentally Ill Inmates to Supermax Custody	Preliminary or Immediate Evaluations	Preventative or Reactionary Strategies For Removing Mentally Ill Inmates	Precautionary Strategies	Daily Visits	Mental Health Evaluations - First 30 Days and Every 90 Days After
Alabama			X			X
Arkansas			X			
Florida		X			X	X
Georgia		X		X		
Kentucky	X					X
Louisiana						X
Mississippi				X	X	X
North Carolina		X	X	X		
Oklahoma		X		X	X	X
South Carolina		X	X		X	X
Tennessee		X				
Virginia		X		X	X	X
West Virginia				X	X	X

Table 8d

*Western Analysis of Mental Health Guidelines*

State (n = 11)	Admit Mentally Ill Inmates to Supermax Custody	Preliminary or Immediate Evaluations	Preventative or Reactionary Strategies For Removing Mentally Ill Inmates	Precautionary Strategies	Daily Visits	Mental Health Evaluations - First 30 Days and Every 90 Days After
Alaska	X				X	
Arizona				X		
California		X	X		X	
Colorado						X
Idaho		X				X
Montana				X		
Nevada					X	X
New Mexico		X			X	X
Oregon	X		X	X		
Washington		X	X			X
Wyoming	X	X		X		

Table 8 reveals the southern region is the only geographic area with an equitable distribution of states mandating one, two, three, or four mental health guidelines. This is interesting, because the remaining regions' correctional policies primarily enforce two or three mental health guidelines. Although the southern region has numerous policies that enforce differing mental health guidelines, the region also has the most cohesiveness among states, as most policies enforce similar mental health guidelines. Table 8c allows individual state comparisons within the southern region. Six southern supermax policies require a mental health examination within the first 30 days and every 90 days afterwards and a daily visit from mental health staff. This is notable, because the remaining regions (Northeast, Midwest, and West) do not have as many states that enforce similar guidelines.

Every state supermax policy in the sample mandates some form of mental health treatment. Consistent with the findings under research questions one and two, a content analysis of question three shows the dramatic variation of mental health guidelines across and inside the geographic regions. The southern region is the most likely to consistently include admission criteria across state policies under research question one, as well as possessing the most state cohesiveness of enforcing mental health guidelines under research question three. However, although the southern region has the most consistency of incorporating mental health guidelines across states, Table 8 shows numerous variations still exist in the policies.

#### Supermax Inmate Privileges

Inmate privileges in supermax units are largely dependent upon good behavior and compliance with institutional rules. Table 9 presents an overview of privileges

offered to supermax inmates. The three privileges examined within each state correctional policy are (a) the availability of visits, (b) telephone calls, and (c) participation in institutional programs. The majority of supermax policies allow these three privileges, but in some state correctional departments, the unit or prison supervisor has discretion to enjoin inmates from these activities. Additionally, some policies explicitly provide instructions prohibiting certain inmate privileges, and have been notated accordingly. For example, Oregon prohibits telephone calls unless an inmate receives explicit supervisor approval. However, Arkansas's policy lacks information relating to the examined privileges, which indicates the state may address supermax privileges in a separate policy or has not developed a specific procedure for extension of supermax inmate privileges. Table 9 gives an overview of the number of states allowing the three examined privileges in each region.

Table 9

*Overview of Supermax Privileges*

Region	Allow Visitations	Allow Telephone Calls	Allow Participation in Programs
Northeast (n = 9)	8 89%	7 78%	9 100%
Midwest (n = 9)	9 100%	7 78%	8 89%
South (n = 13)	11 85%	10 77%	9 69%
West (n = 11)	10 91%	9 82%	10 91%
Total (n = 42)	38 90%	33 79%	36 86%

Note. Percentages rounded to the nearest whole numbers.

Interestingly, the majority of the supermax policies in the sample allow all three inmate privileges: visitations, telephone calls, and the ability to participate in programs. It



is important to note telephone calls and visitations do not include the inmate's access to his or her attorney. In the majority of the state correctional policies, inmates are allowed unlimited contact with their attorneys unless this poses a serious threat to the security of the institution. Approximately 90% of states in the sample allow supermax inmate visitation rights. This is followed closely by 86% of states in the sample that allow supermax inmates to participate in a variety of programs. However, program participation for many supermax inmates is different from those offered to the general population and is limited in scope (Kurki & Morris, 2001). Many policy directives require supermax inmates to receive programming within their units or cells. For example, Michigan allows inmates in administrative segregation to participate in programming, but to assure institutional security, they are restricted to the confines of their cell and the quality of the programming is limited as compared to activities offered to the general population. Missouri's supermax directive is another example where supermax inmates are allowed to participate in activities, but the supervisor must approve the programming choices.

The lowest frequency for privileges included in state supermax policies is the ability for an inmate to engage in telephone conversations. However, approximately 79% of the sample allows some form of telephone contact excluding correspondence with attorneys. Regionally, supermax policies in the South have the least number of state correctional directives incorporating inmate privileges. This does not imply Southern states do not allow supermax inmates to engage in programs and other privileges. However, the remaining three regions (West, Midwest, and Northeast) have a higher frequency of supermax inmate privileges included in state policy. For example, every supermax policy in the Northeastern region allows inmates to engage in programming.

Each supermax policy in the Midwestern region authorizes supermax inmate visitation rights. The third privilege, the ability to engage in telephone calls, is approved by most states in the Western region with approximately 82% of correctional policies permitting some form of telephone communication. Although each region tends to document and allow certain privileges over others, the majority of states in the sample permit visitations, telephone calls, and program participation.

Table 10 illustrates the number of states that allow one, two, or three of the examined privileges in supermax custody. Similar to the assessment in Table 9, it is important to clarify some correctional departments may not explicitly state whether they allow a certain privilege within their supermax policies. Therefore, it cannot be concluded that states without specific inmate rights outlined in their policy allow or forbid certain privileges. However, it is important to examine the manner in which these privileges are offered at the institution. The majority of the sample discusses and authorizes each of the three examined privileges within their state correctional policies. This is contradictory to the assumption of some researchers concerning supermax privileges because Table 10 indicates 70% of the sample permits some form of visitations, telephone opportunities, and program participation. Some researchers argue supermax penitentiaries need to increase the availability for inmates to socialize and converse outside of supermax cells (Haney, 2003). Engaging in telephone calls and visits allow the inmate to exit the supermax unit, and meet with or communicate to family members.

Table 10

*Regional Analysis of Supermax Privileges*

Region	Allow Only One Privilege	Allow Two Privileges	Allow All Three Privileges
Northeast (n = 9)	0 00%	2 22%	7 68%
Midwest (n = 9)	0 00%	3 33%	6 67%
South (n = 12)	2 17%	2 17%	8 67%
West (n = 11)	1 09%	2 18%	8 72%
Total (n = 41)	3 07%	9 22%	29 70%

Note. All Percentages have been rounded to the nearest whole number.

Note. Kansas has been removed from the analysis, because the supermax policy lacks discussion of the three privileges.

*Supermax Visitation Privileges*

Table 11a, 11b, 11c, and 11d present the amount of individual state supermax policies addressing inmate visitation privileges by region. An examination of the privileges within supermax policies reveals many states allow unit supervisors or prison administrators broad discretion in determining if an inmate deserves to have visitors, make telephone calls, and participate in programs. Additionally, as discussed by Riveland (1999), some institutions allow inmates to have visitors, but a partition separates the visitor from the inmate, which prevents physical contact. The last variable examines the frequency in which inmates may have visitors within a month. The last column presents additional information that cannot be coded into the other four variables. Some state policies do not expressly state whether visits include physical contact as such, the tables present only information available within the obtained supermax directives.

Table 11a

*Northeastern Supermax Visitation Privileges*

State	Visits Allowed	Supervisor Discretion	No Contact	Visits Allowed Monthly or More Frequently	Additional Information
Connecticut	X		X	X	Weekly 30 Minute Visit
Maine	X			X	One Weekly Visit
Massachusetts	X			X	Same as General Population
New Hampshire	X				
New Jersey	X		X	X	One Monthly Visit
New York	X	X			
Pennsylvania	X		X		
Rhode Island	X		X		
Vermont	X		X		
Total (n = 9)	8 89%	1 11%	5 56%	4 44%	

Note. All percentages have been rounded to the nearest whole number.

Table 11b

*Midwestern Supermax Visitation Privileges*

State	Visits Allowed	Supervisor Discretion	No Contact	Visits Allowed Monthly or More Frequently	Additional Information
Illinois	X	X	X		
Indiana	X	X	X	X	Two Visits Per Month
Kansas	X				Restricted Access
Michigan	X	X	X		
Minnesota	X			X	Four Hours Per Month Over A Closed Circuit Television
Missouri	X	X	X		
Nebraska	X	X	X		One Hour Per Visit
Ohio	X			X	Same as General Population
South Dakota	X	X			
Total (n = 9)	9 100%	6 67%	5 56%	3 33%	

Note. All percentages have been rounded to the nearest whole number.

Table 11c

*Southern Supermax Visitation Privileges*

State	Visits Allowed	Supervisor Discretion	No Contact	Visits Allowed Monthly or More Frequently	Additional Information
Alabama	X				One Visit Every 180 Days In Restraints
Arkansas					
Florida		X			Not Allowed Unless Approved by Supervisor
Georgia	X			X	Same As General Population
Kentucky	X	X			
Louisiana	X				
Mississippi	X	X	X		
North Carolina	X			X	Two Visits Per Month
Oklahoma	X	X			
South Carolina	X			X	One Visit Per Month
Tennessee	X	X			
Virginia	X		X	X	One Visit Per Week
West Virginia	X	X	X	X	One Two Hour Visit Per Month
Total (n = 13)	11 85%	6 46%	3 23%	5 38%	

Note. All percentages have been rounded to the nearest whole number.

Table 11d

*Western Supermax Visitation Privileges*

State	Visits Allowed	Supervisor Discretion	No Contact	Visits Allowed Monthly or More Frequently	Additional Information
Alaska	X	X			
Arizona	X	X	X		
California	X		X	X	Same As General Population
Colorado					
Idaho	X			X	One Visit Per Month
Montana	X	X			
Nevada	X	X			
New Mexico	X				
Oregon	X			X	One Visit Per Month
Washington	X				
Wyoming	X	X	X		
Total (n = 11)	10 91%	5 45%	3 27%	3 27%	

Note. All percentages have been rounded to the nearest whole number.

Eighteen supermax policies or approximately 43% of the sample permit unit supervisors' or prison administrators' discretion to determine if an inmate is allowed to have visitors. The Midwestern region has the most number of state supermax policies that rely on supervisor discretion to determine whether inmates are entitled to have visitors, with approximately 67%. However, the Northeastern region has only one state policy, or approximately 11% of the geographic area, that relies on supervisor discretion to determine if an inmate is allowed visitation rights. The policies typically mandate supervisor discretion should consider the individual visiting the inmate, the inmate's

behavior, and whether the visit would threaten the security of the institution. For example, West Virginia's supermax policy utilizes a step system to award inmate privileges. The most punitive step allows one two-hour visit a month, unless staff documents the inmate's conduct precludes him or her from receiving visitors. However, Nebraska's administrative segregation policy permits the prison warden to authorize all scheduled visits for intensive management inmates.

The next variable examined within Tables 11a-11d is whether no physical contact visits are included within the supermax policies. A state policy discussing this directive will use the term "no contact" to define visitations without physical contact. Approximately 38% of the sample has directives that mandate "no contact" visits for supermax inmates. The Northeastern and Midwestern regions have the most state policies prohibiting physical contact during visitation with approximately 56%. The Southern region has the least frequency of correctional policies mandating no contact with approximately 23%. As discussed in the preceding paragraph, West Virginia utilizes a step program to award privileges to inmates that engage in good behavior. An inmate that reaches level four of the step system is allowed physical contact visits. Other states, such as Wyoming, prohibit physical contacts depending on the inmate's custody level.

The third variable examines the frequency in which states allow inmate visits. Some supermax policies only state inmate visitation is allowed and do not specify the frequency or duration of the visits. Fifteen states, or approximately 36% of the sample, allow visitors once a month or more frequently. The Northeastern region offers supermax inmates the most number of visits per month with four states or approximately 44% of the policies. The Southern region has two state policies that do not permit visitations or



do not have any information regarding this privilege. Florida's policy explicitly forbids visitation privileges for supermax inmates. Arkansas's policy does not include any information regarding inmate visitation privileges. The majority of additional information contained in the state policies pertains to review times. For example, Alabama allows an inmate to have a visit every 180 days while placed in physical restraints. Another interesting finding is Minnesota's policy allows an inmate to have visits over a closed circuit television for four hours a month. California, Georgia, Massachusetts, and Ohio include similar supermax visitation privileges as those offered to the general prison population. However, consistent with most visitation privileges within correctional institutions, access to visitation is based on the inmate's behavior.

#### *Supermax Telephone Privileges*

Tables 12a-12d present a regional analysis of supermax inmate telephone privileges. An inmate's ability to engage in a telephone conversation is much easier to supervise than personal onsite visitation. However, telephone calls represent the least discussed or permitted privilege among the supermax correctional policies, as approximately 79% of the sample allows inmate phone privileges. Similar to visitation privileges, supervisor discretion serves as a deciding factor in determining whether a supermax inmate is allowed to make phone calls. Approximately 36% of the sample permits the unit supervisor's or prison warden's discretion to determine if an inmate can make telephone calls. Additionally, certain supermax policies (i.e. New York) allow supervisors to remove telephone privileges from problematic inmates. The third variable examines the frequency in which inmates can engage in making telephone calls. The majority of policies specifying the frequency of supermax inmate telephone calls allowed

phone conversations on a weekly basis. The final variable includes additional information in the policies not incorporated by the first three variables.

Table 12a

*Northeastern Supermax Telephone Privileges*

State	Telephone Privileges Allowed	Supervisor Discretion	Weekly Calls or Less Allowed	Additional Information
Connecticut	X		X	One Weekly 15 Minute Call
Maine	X		X	One Call Per Week
Massachusetts	X		X	Two Weekly 15 Minute Calls
New Hampshire	X	X		
New Jersey	X		X	One Call Per Week
New York	X	X		
Pennsylvania				Telephone Calls Not Allowed
Rhode Island				
Vermont	X		X	One Call Per Week
Total (n = 9)	7 78%	2 22%	5 56%	

Note. All percentages have been rounded to the nearest whole number.

Table 12b

*Midwestern Supermax Telephone Privileges*

State	Telephone Privileges Allowed	Supervisor Discretion	Weekly Calls or Less Allowed	Additional Information
Illinois	X	X		
Indiana	X	X	X	One Call Per Week
Kansas	X			Restricted Access
Michigan	X	X		Serious Family Members Only
Minnesota				
Missouri	X	X		
Nebraska	X			
Ohio				
South Dakota	X	X		
Total (n = 9)	7 78%	5 56%	1 11%	

Note. All percentages have been rounded to the nearest whole number.

Table 12c

*Southern Supermax Telephone Privileges*

State	Telephone Privileges Allowed	Supervisor Discretion	Weekly Calls or Less Allowed	Additional Information
Alabama	X			One Call Every Ninety Days
Arkansas				
Florida	X			Emergency Situations Only
Georgia				
Kentucky	X	X		
Louisiana				
Mississippi	X		X	One Call Per Week
North Carolina	X			Restricted Access
Oklahoma	X	X		
South Carolina	X			Two Calls Per Month
Tennessee	X			One Call Per Month
Virginia	X		X	Two Calls Per Week
West Virginia	X			
Total (n = 13)	10 77%	2 15%	2 15%	

Note. All percentages have been rounded to the nearest whole number.

Table 12d

*Western Supermax Telephone Privileges*

State	Telephone Privileges Allowed	Supervisor Discretion	Weekly Calls or Less Allowed	Additional Information
Alaska	X	X		
Arizona	X	X		
California	X	X		
Colorado				
Idaho	X			One Call Per Month
Montana	X			
Nevada	X	X		
New Mexico	X			
Oregon		X		Not Allowed Unless Supervisor Permits
Washington	X			
Wyoming	X	X		
Total (n = 11)	9 82%	6 55%	0 00%	

Note. All percentages have been rounded to the nearest whole number.

Tables 12a-12d reveal only eight states allow supermax inmates to make weekly phone calls, which is approximately 19% of the sample. The Northeastern region permits the most number of weekly phone calls with five supermax policies. The Western region does not include any supermax policies that permit weekly calls. Additionally, the Western region includes the most number of policies extending discretion to unit supervisors in determining if an inmate deserves telephone privileges, with five states or 45% of the sample.

The additional information column in Tables 12a-12d provides numerous additional findings. Perhaps the most notable finding is the amount of states that do not

specify the number of times an inmate is allowed to make a telephone call. Although 33 states extend telephone privileges to supermax inmates, only 12 state policies explicitly state the frequency at which an inmate may make a telephone call. This result occurs, because some states have a separate telephone policy identifying the amount of calls an inmate may make while in segregation units. Another interesting finding included in the additional information column is that Kansas' and North Carolina's supermax policies allow restricted access for telephone privileges. For example, Kansas' segregation unit permits restricted access to telephone privileges but does not detail how these privileges are limited in the policy. Alternatively, Michigan allows inmates in supermax custody to make telephone calls to "serious" (i.e. immediate) family members only. The warden will approve the inmate's calling list, and the inmate will not be allowed to make telephone calls outside of the approved list. Telephone privileges, like visitation privileges, are allowed in many state correctional policies. However, the frequency, individuals that can be called, and supervisor discretion are all variables differentiating telephone privileges for supermax inmates from inmates in the general population.

#### *Supermax Programming Privileges*

Prison programs offer inmates the chance to earn an educational degree, obtain drug rehabilitation services, and participate in religious activities. Supermax facilities are often criticized for offering limited programming opportunities to inmates, and recommendations have been made to increase the social aspect of supermax programming (Arrigo & Bullock, 2007; Haney, 2003). However, Tables 11a-11d reveal the majority of supermax policies permit inmates to participate in prison programs. Approximately 86% of the sample allows supermax inmate participation in programs. It

is important to note 24 supermax policies, approximately 57% of the sample, offer limited access to programs. Limited access is operationalized to encompass any program restrictions placed on supermax inmates. Some examples of the restrictions placed on supermax inmate programs include the inability for the inmate to participate with others, limited availability of the program, and mandating the inmate remain in his or her cell throughout the program.

An examination of Tables 13a-13d reveals few state supermax policies requiring the unit supervisor's permission for an inmate to participate in a program. Three supermax policies require supervisor discretion, with the Southern and Northeastern regions having no directives (n=0) mandating unit supervisor permission. However, it is important to note some states may require the supervisor's permission for an inmate to engage in a program even though it is not explicitly mandated in the supermax policies. The third variable examines whether the inmate is confined to his or her cell during the programming. Approximately 19% of the policies mandate supermax inmates remain in their unit or cell while participating in the institutional programs. The Midwestern region has the highest number of supermax policies that require inmates to remain in their units or cells, with three states or approximately 33% of the geographic area.

Table 13a

*Northeastern Supermax Programming Privileges*

State	Programming Allowed	Supervisor Discretion	Restricted to Cell or Unit	Additional Information
Connecticut	X		X	
Maine	X			Limited Access
Massachusetts	X		X	
New Hampshire	X			Limited Access
New Jersey	X			Limited Access
New York	X			Limited Access
Pennsylvania	X			Limited Access
Rhode Island	X			Limited Access
Vermont	X			Limited Access
Total (n = 9)	9 100%	0 00%	2 22%	7 78%

Note. All percentages have been rounded to the nearest whole number.



Table 13b

*Midwestern Supermax Programming Privileges*

State	Programming Allowed	Supervisor Discretion	Restricted to Cell or Unit	Additional Information
Illinois				
Indiana	X		X	
Kansas	X			Limited Access
Michigan	X		X	Limited Access
Minnesota	X	X		
Missouri	X		X	Limited Access
Nebraska	X			
Ohio	X			Limited Access
South Dakota	X			Limited Access
Total (n = 9)	8 89%	1 11%	3 33%	5 56%

Note. All percentages have been rounded to the nearest whole number.

Table 13c

*Southern Supermax Programming Privileges*

State	Programming Allowed	Supervisor Discretion	Restricted to Cell or Unit	Additional Information
Alabama	X			No Group Activities
Arkansas				
Florida				
Georgia	X		X	
Kentucky				
Louisiana				
Mississippi	X			Limited Access
North Carolina	X		X	Limited Access
Oklahoma	X			Limited Access
South Carolina	X			Limited Access
Tennessee	X			Limited Access
Virginia	X			Limited Access
West Virginia	X			
Total (n = 13)	9 69%	0 00%	2 15%	6 46%

Note. All percentages have been rounded to the nearest whole number.

Table 13d

*Western Supermax Programming Privileges*

State	Programming Allowed	Supervisor Discretion	Restricted to Cell or Unit	Additional Information
Alaska	X	X		
Arizona				
California	X	X		
Colorado	X		X	
Idaho	X			Limited Access
Montana	X			Limited Access
Nevada	X			Limited Access
New Mexico	X			
Oregon	X			Limited Access
Washington	X			Limited Access
Wyoming	X			Limited Access
Total (n = 11)	10 91%	2 18%	1 09%	6 55%

Note. All percentages have been rounded to the nearest whole number.

Programming options may be less likely to be available to supermax inmates within the Southern region, because four states do not explicitly discuss programming options within their supermax policies. Additionally, of the nine states in the South that allow programming, six offer those programs in a limited form to supermax inmates. The region allowing the most programming opportunities to supermax inmates is the Western region. Approximately 91% of the states include directives permitting programming options for supermax inmates, with only 55% of these states offering programs in a limited form. Although the majority of states do not require unit supervisor or prison warden permission for supermax inmate participation in a program, the administrator's

input remains an important consideration for determining visitation and telephone privileges. Additionally, although limited access to programs varies, the majority of supermax policies restrict programming to protect the security of the institution and the individuals administering the programs. For example, Idaho's administrative segregation policy states the level of programming to segregated inmates will not be the same as programs offered to inmates in the general prison population. Although the details of segregation programs are not expressly discussed in the policy, it is clear the caliber of programming is not equal to that offered to inmates in the general population.

## Chapter V

### DISCUSSION AND CONCLUSION

#### Summary of Major Findings and Recommendations for Future Studies

The purpose of this study was to find operational directives that are generalizable among states with supermax units. An examination of the supermax policies in the sample reveal correctional departments focus on different aspects of the supermax regime, from admitting inmates to supermax custody, reviewing their custodial levels, examining the wellbeing of inmates, and providing privileges. It is understandable why confusion exists among prison wardens regarding whether they operate a supermax facility, because each policy is unique (Wells et al., 2002). Mears and Watson (2006) discuss the difficulties researchers face in attempting to assess the goals and operations of such facilities. The authors recommend researchers create a common set of criteria that each state will utilize to operate a supermax unit while also including the unique goals of their particular state. This study examined four common research areas within each state's supermax policy. Further, the study recorded and discussed the differences among the directives of each state policy. Although great variation exists among the supermax policies, some generalizations can be made.

King's (1999) regional separation of states helped determine which geographic area housed the most supermax inmates. The current analysis utilized a similar methodology and applied it when analyzing each research question. For example, although King found the Southern region housed and appropriated the most space for supermax inmates, it was also found to have the most consistencies among supermax policies in admitting inmates to supermax custody, reviewing inmates' classification

levels, and offering mental health services. However, the Southern region had the most stringent policies pertaining to inmate privileges. Even though the Southern region had numerous consistencies within the study, each state in the South identified certain criteria or classifications that another state did not. Overall, the majority of policies in the sample focused on a distinct part of the supermax regime, which is dependent upon the goals of the correctional agency. Inconsistencies among supermax policies have made research attempts difficult, because each state prioritizes unique correctional policies and goals, a problem that has been discussed by numerous researchers (King, 1999; Mears and Watson, 2006; Naday et al., 2008).

Riveland (1999) discusses the difficult decisions institutional administrators face when attempting to determine what amenities should be extended to supermax inmates. Quality of mental health services, inmate privileges, classification review, and admission characteristics are all involved in an administrator's decision-making process. A thorough examination of supermax policies reveals correctional administrators are aware of the growing criticisms surrounding supermax facilities. The majority of policies mention the types of behaviors that result in supermax placement, the review process for supermax inmates, treatment plans for supermax inmates, and the privileges these inmates are offered. In some instances, states have identical admission standards and reviewing processes for supermax inmates. This may occur as a result of a "copycat" effect that some states use when drafting a new policy. A correctional department may look at other states' supermax policies that have withstood litigation and "copy" the policy in order to assure their directives meet constitutional review. Yet, whether the borrowing effect is utilized does not have an effect on the uniqueness of each supermax policy. Each state

continues to operate a supermax facility that best fits the operational goals of the correctional agency.

### *Supermax Admission Characteristics*

The admission characteristics used by many correctional agencies to place inmates in supermax custody focus on the threat an individual poses to the security of the institution. The use of “threat to institutional safety” as a catchall phrase in state policies to admit inmates to supermax custody was found in approximately 98% of the sample. This admission characteristic can encompass the other four criteria. For example, frequently engaging in violent behavior is a threat to the security of the institution. The implications of this finding can lead to increases in supermax admissions. Kupers et al. (2009) discuss the problem that arises when inmates are sent directly to supermax placement because prison administrators deem they pose a threat to the institution. If an inmate does pose a threat to the security of the institution, the action an inmate has committed should be clearly documented, as recommended by Kupers et al. (2009). Sometimes an inmate engages in conduct that does not qualify as violent or riotous behavior, attempting to escape, or being a part of a security threat group. Therefore, administrators can qualify these actions under the term “threat to institutional safety.” Although this admission criterion relies on the discretion of institutional administrators to determine and define what a “threat” is, it is important to remember not all actions can be clearly defined in a correctional policy. Therefore, prison administrators should complete a report documenting the action the inmate has engaged in, and why a specific inmate should be placed in supermax custody as recommended by Mears (2008).

One reason many policies emphasize threat to institutional safety as an admission criterion, other than serving as a catchall phrase, is to stress the importance of maintaining prison order. Mears and Reisig (2006) refer to this particular goal as the “system-wide order” conjecture because the notion that supermax prisons increase system-wide order is not empirically supported (p. 33). The authors warn such a goal can be difficult to achieve, especially with the current methods many supermax institutions utilize to reach that objective. An examination of supermax policies can help determine what goal states want to achieve with the operation of their segregation units or facilities. The current study reveals many correctional departments want to remove inmates that pose threats to the security of the institution from the general population and concentrate them within segregation units. This is an expected solution by many administrators, because some inmates require higher security settings than others. The system-wide order conjecture is also evident when examining the goals of each policy. Although the current study does not analyze the expressly stated goals of each correctional policy in the sample, the admission characteristics can help establish which inmates are suitable for supermax placement in each state institution. Many policies within the sample attempt to prevent violent inmate behavior (74%) and escapes (67%), which serve to increase the security of the institution.

Security threat group membership is the least frequent admission characteristic to supermax custody within the policies, which is used by approximately 36% of the states within the sample. This finding is unexpected, because the literature commonly cites gang members comprise a large portion of the supermax population (King et al., 2008; Kurki & Morris, 2001; Naday et al., 2008). It is possible states admitting gang members



to supermax custody have a disproportionate amount of gang-affiliated inmates compared to other states. Active gang members may behave in a manner that would qualify them for supermax placement under other admission characteristics, such as representing a threat to the security of an institution. The lack of policies including security threat group membership as an admission characteristic may be a result of its lack of inclusion in the NIC's definition (1997) of supermax facilities, which framed the first definition of a supermax prison.

Riveland's (1999) recommendation that administrators implement policies classifying inmates suitable for supermax placement has been met in the sample. However, the description of inmates suitable for supermax custody is sparse in some state policies. For example, Georgia's supermax policy does not meet any of the five admission criteria for supermax placement. However, 11 state policies in the sample meet all five-admission criteria, which fulfill the request made by Riveland. The majority of policies within the sample place great responsibility upon the unit or institutional administrator to ensure protocols are being achieved at each level. This is consistent with the recommendations in Riveland's study where he discusses the importance of establishing detailed and thorough policies that must be followed at every level. Although the present study does not examine whether state supermax policies are being followed, it is possible to assess the extent to which the policies comply with the five admission characteristics cited throughout the literature.

As discussed earlier, there are discrepancies among the correctional supermax policies, even within each region. The Northeastern region has four policies that incorporate one admission characteristic, threat to institutional safety. The remaining five

policies in the Northeast incorporate two or more admission criteria. This is the most variation within one region, but the other three (Southern, Midwestern, and Western) geographic areas have similar distributions for admission criteria. There seems to be little cohesion across the regional analysis. Researchers have frequently critiqued correctional agencies' interpretation of what qualifies as a supermax unit or facility (King, 1999; Naday et al., 2008; Wells et al., 2002). The current analysis reinforces this critique in a different manner. Many agencies operate a supermax facility, but the policies reveal they are less likely to agree with a universal definition or method of admitting inmates to supermax custody. Therefore, it could be possible that King (1999) and other researchers have encountered difficulties assessing supermax facilities because administrators may not utilize a particular admission characteristic as a reason for placing inmates in supermax custody. It is important researchers heed Mears and Watson's (2006) recommendation that each prison administrator or correctional staffer in supermax studies be given broad examples or terms of supermax confinement to avoid confusion, and to then incorporate findings that are specific to an institution into the discussion. Additionally, Mears and Bales (2009) question whether inmates that fit the criteria for supermax placement are actually being placed in such housing. Although the question is not answered in the study, it is imperative prison administrators enforce the contents of their policies.

Another finding within research question one was the various names used to term or define supermax units. Although 52% of the sample incorporated some form of administrative segregation into the title of their policies, few consistencies were found among those policies. Wells et al.'s (2002) finding that numerous names exist for

supermax policies is verified in the present study with names that range from Close Management Housing in Florida to New Jersey's Management Control Units. The variation in names can confuse both researchers and wardens as to what qualifies as a supermax unit. Therefore, it is crucial researchers examine the functionality of the supermax units and the daily operations that occur within the facility or unit, such as the institutional policies. As discussed earlier, the Southern region seems to have the most consistencies among the sample. This may not be surprising considering the South seemed to embrace the construction and operation of supermax facilities more than any other area (King, 1999). Additionally, Mears and Castro (2006) propose many correctional agencies sent wardens and other correctional administrators to visit these institutions, and there the Southern wardens influenced their ideas. This may explain why Southern supermax policies have, for the most part, strong consistencies across all four research questions. Although it is important to note that considerable variation exists even within the Southern region, just not to the extent of the other three regions.

Overall, many correctional agencies incorporate one or more of the admission characteristics developed by the NIC (1997) to place inmates in supermax custody. Riveland (1999) suggested future studies examine whether supermax placement should be a classification designation or a distinction of facilities or units. The current study reveals that correctional agencies use supermax placement as both a classification designation and a distinction for facilities or units. For example, New Mexico has Security Housing Units that house Level VI offenders. Oregon houses Level 5 inmates in Intensive Management Units. These agencies use both distinctions to qualify inmates for supermax custody. Utilizing both classification designations and distinguishing units or

facilities offers correctional administrators numerous advantages. For example, inmates that require protective custody often reside within segregation units, but they may not meet the requirements of a Level VI or Level 5 inmate as discussed above. Therefore, inmates can be classified differently and be placed in similar units, but be afforded more options than those in supermax custody for administrative reasons.

The new penology embraces the classification of aggregates such as inmates, which is found within the current sample of supermax policies (Feeley & Simon, 1992). Classifying inmates as the worst of the worst allows correctional administrators to separate them from the general population and place them into secured units. Although many policies in the sample do not offer the classification level of inmates that is required for supermax confinement, Riveland's (1999) concern regarding whether a classification level or unit facility should take precedence over the other is not necessary to define a supermax prison or unit. The most important aspect of determining whether a supermax facility exists is to examine the operations of the institution in question, such as the directives and operations. Additionally, it is important prison administrators accurately categorize offenders suitable for supermax placement because misclassification can lead to litigation as discussed by Kupers et al. (2009).

#### Classification Reviews for Supermax Inmates

The majority of supermax policies require the reporting officer to complete a report, which documents the reason the inmate was placed in supermax custody. Following this documentation, a separate reviewing party determines whether the placement is warranted. When the rationale for supermax placement does not meet one of the admission criteria in the policy, the reviewing committee may revoke the inmate's

placement into supermax custody. If the reviewing committee fails to perform its duties, overcrowding can become a concern, which leads to further problems (Kupers et al., 2009). However, the likelihood of a reviewing committee revoking an inmate's supermax placement can be quite low. O'Keefe (2008) found that the Colorado Department of Corrections' administrative segregation reviewing committee accepted approximately 1,440 of its placement hearings and revoked six. O'Keefe concludes that one wrongful admission to supermax custody is too many, which places great responsibility upon the reviewing committee.

The current study finds that most supermax policies mandate a review process for supermax inmates, which some researchers argue is poorly performed (Kupers et al., 2009; Kurki & Morris, 2001). While the quality of the reviewing committee's decisions cannot be assessed in the current study, the frequency of the reviews can. The current study examined whether a policy mandates initial reviews of the inmate's placement and custodial reviews that occur afterwards. Consistent with the assessment of the admission characteristics each state has a unique method to review the classification level of inmates in supermax custody. This also applies to the name of the reviewing committee. Whether the warden, unit supervisor, or a separate entity reviews the classifications of inmates, the policies attempt to assess the inmate's behavior inside the supermax unit. However, as discussed by Haney (2003) and Toch (2001), an inmate's behavior inside a supermax unit may alter due to a mental illness but be perceived as bad behavior. In these instances, it is possible that the inmate lessens his or her opportunity to attain a favorable review. Furthermore, if "good behavior" is a requirement for release from supermax custody, what meets that qualification can vary depending on the department and the

individuals reviewing the inmate. Therefore, it is important reviewing committees take into account inmates' mental health, and involve mental health professionals in the reviewing process. For example, South Carolina includes a mental health professional in the reviewing committee.

The most frequent initial review process for many inmates occurred every seven days for the first two months of supermax placement. This finding is not discussed within the literature and is unexpected. Approximately 53% of the sample requires this type of review for inmates in supermax custody. One reason correctional agencies adopt this particular review criteria is to avoid litigation by verifying that each inmate placed in supermax custody is thoroughly examined. Toch (2001) discusses the importance of the role litigation plays in altering the state of penal actions. Therefore, the "copycat" effect may also provide a reason why so many correctional agencies adopt this particular review process. However, although a policy requires this initial review process, it does not mean the custodial reviews will be the same among the supermax directives. Another reason this particular reviewing method can be useful for prison administrators is to examine the adjustment process an inmate is going through while attempting to adapt to supermax confinement. Frequent observations of the inmate might be able to reveal whether an inmate is beginning to develop a serious mental illness, which allows for removal from the supermax unit. The reviewing process for many inmates in supermax confinement can be a tumultuous experience, meaning the inmate can provide evidence to the committee on his or her behalf and appeal certain decisions.

The custodial review primarily assesses whether the inmate continues to pose a "threat to the security of the institution." The custodial reviews utilized by many

correctional agencies vary considerably from 30 days to one year. The most frequent custodial review for many supermax policies is every 30 days, which represents approximately 36% of the sample. This method of custodial reviews is far more frequent than what is discussed within other studies regarding supermax prisons. For example, Kurki and Morris (2001) view placement in supermax custody as, “First, assignment to a supermax prison is long-term, indefinite, and potentially for the rest of the prisoner's life. Confinement is measured in years rather than in months” (p. 388). The findings within this study do not support that of Kurki and Morris, because the reviews for inmate placement usually occur multiple times within a year. However, litigation may have played a role in lowering the amount of time it takes to review inmates in supermax custody since Kurki and Morris (2001) performed their study (Kupers et al., 2009). In the recent past, the Mississippi Department of Corrections’ reviewing committee failed to review inmates in supermax custody as mandated by departmental directives. This led to an overcrowding of inmates and numerous other problems in supermax. This failure led to litigation and considerable changes in the operations of supermax housing units (Kupers et al., 2009).

Many critics argue supermax confinement is indeterminate (Haney, 2003; Kurki & Morris, 2001). The examined policies mandate timely reviews for many supermax inmates. Although timely is a subjective term, the majority of custodial reviews are designed to occur within one to six months. However, it is important to note that due to the extreme isolation associated with many supermax facilities (Haney, 2003), six months might be too long. Additionally, the reviewing committees could find an inmate continues to pose a threat to the security of the institution during each meeting, which

creates an indefinite term for the inmate. Although it is quite unlikely for that to occur, inmates can serve lengthy sentences in supermax confinement. Riveland (1999) states some supermax units have indeterminate lengths of confinement while others mandate determinate sentences. This raises the question as to why a state would utilize reviewing committees only to keep inmates in supermax custody indefinitely. If supermax facilities or units mandate indeterminate lengths of supermax custody, reviewing the classification of inmates would waste the time of many employees and more importantly precious institutional resources. The possibility of litigation may have an important role in the reviewing process. However, the current analysis cannot determine the manner at which correctional agencies comply with policies, and future studies should evaluate administrator and correctional officer compliance with such directives.

Regionally, southern policies reviewed inmates in a similar manner. Seven states, which is approximately 54% of the supermax policies the southern region reviewed inmates on a weekly basis for the first two months and every month afterwards. However, while the majority of states in the sample (86%) specify a timeframe at which supermax inmates will be reviewed, there remain discrepancies. For example, there are 22 separate names correctional departments have for their reviewing boards. This further complicates researchers attempts to assess supermax facilities because not only are there numerous names for each state's supermax unit or facility, but the reviewing committees also have numerous responsibilities. Some correctional agencies develop committees tasked specifically for reviewing inmates, which is recommended. However, other correctional agencies utilize a reviewing committee to handle all inmate classifications.



Kupers et al. (2009) found that reviewers in the Mississippi Department of Corrections had inadequate training with the classification assessments the agency used to classify inmates, which led to unnecessary supermax admissions. Officer training in conjunction with a clearly documented plan for release for supermax inmates is highly beneficial for reviewing committees. Officer training will help staff better document behaviors that will aid reviewing committees examine inmate behavior over a prolonged period. Additionally, a documented plan for release that involves the supermax inmate can help establish motivation for better behavior. Mears and Watson (2006) reiterated the feelings of one prison administrator that the admission process for supermax inmates seems to be largely unreasonable. However, if it is assumed the policies are being followed as directed, many correctional agencies require numerous administrative authorizations for an inmate to be placed in supermax confinement. In some instances, the deputy director or superintendent will personally review the status of each inmate. Kurki and Morris (2001) also critique the method in which inmates' segregation status are reviewed in supermax confinement asserting prison administrators conduct inadequate reviews of inmates. However, if the findings of the current analysis are any indication, approximately 81% of the supermax policies offer more than one classification review within a year of placement. The current analysis cannot allude to the quality or thoroughness of the review process, which is a recommendation for future studies.

### Treatment Plans for the Mentally Ill

Numerous researchers criticize supermax institutions for worsening the psychological state of inmates (Arrigo & Bullock, 2008; Haney, 2003; Slate & Johnson,

2008). The findings in the current study reveal that correctional agencies are aware of the need for treatment for the mentally ill. Each supermax policy with the exception of Rhode Island discusses or acknowledges the possibility that some form of intervention may be required for inmates with mental illnesses in supermax confinement. Court intervention may have played a significant role in ensuring each correctional agency complies with constitutional standards. Specifically, *Madrid v. Gomez* (1995) prohibited prison administrators from admitting known mentally ill inmates into supermax custody. Additionally, *Jones' El v. Berge* (2001) found prison administrator's failure to transfer mentally ill inmates out of supermax custody to receive treatment constituted a violation of the Eighth Amendment's Cruel and Unusual Punishment Clause. Each case attributed to the likelihood that a correctional agency will ensure inmates with mental illnesses be properly examined and screened for supermax placement.

The mental health analysis of the supermax policies revealed 21 agencies mandate mental health evaluations within the first 30 days of supermax placement and every 90 days afterwards. This was the most frequent mental health guideline found within the analysis, which leads to many questions, such as why states prefer this timeframe to review inmates over others. An explanation is a department replicates "what works" with other correctional agencies for treating the mentally ill. However, if correctional administrators are copying certain aspects of supermax policies, why are they not replicating all of the mental health guidelines utilized by a correctional agency?

Although there are numerous cases that discuss the importance of treating inmates with mental illnesses, it seems many supermax policies lack a thorough explanation of how to handle the mentally ill (*Jones' El v. Berge*, 2001; *Madrid v. Gomez*, 1995; *Ruiz v.*

*Johnson, 1999*). For example, no correctional agency complies with all six mental health guidelines that were assessed in the study. Each guideline encompasses an intervention or prevention strategy for handling inmates that have or develop mental illnesses in supermax confinement. There are only four states, approximately 10% of the sample, that incorporate four of the mental health guidelines. This is quite surprising considering mental health allegations of mistreatment comprise a significant portion of the issues involving supermax prisons.

Attempting to generalize the mental health findings within and across each region is difficult. Correctional agencies' supermax policies meet various mental health guidelines regardless of geographic location. The Southern region has the most states that mandate four or more mental health guidelines, but it also has six correctional policies that require one or two mental health guidelines. These discrepancies exist regardless of geographic location. It is expected each state will operate a supermax unit or facility that best meets the needs of the department, but it is also surprising correctional agencies have been slow to adopt specific guidelines that protect the mentally ill in supermax confinement. *Madrid v. Gomez* (1995), which occurred over a decade ago, discussed the importance of protecting a vulnerable class of inmates from further psychological damage. Yet, approximately 18% of the correctional agencies offer immediate or preliminary mental health screens for inmates entering supermax placement. It is time for more states to adopt guidelines that protect mentally ill inmates without being forced by threat of litigation.

The quality of the treatment offered to inmates in supermax custody is difficult to assess, but the results reveal that states are aware of the need to treat and protect the

mentally ill. The use of daily visits by mental health staff has been referred to as “cell front therapy” (Haney, 2003, p. 143). This type of visit diminishes client/patient confidentiality because the inmate remains in the cell while the mental health professional stands on the other side of the prison door. Correctional officers and other inmates are often able to hear the conversation, which lowers the likelihood an inmate will discuss his or her problems (Haney, 2003). Approximately 41% of the sample requires mental health staff visit inmates daily in supermax custody. Although the policies do not detail the manner in which the daily visits occur, it does offer insight into how many states are proactive by conducting routine checks on supermax inmates. However, Haney (2003) and O’Keefe (2008) both state staffing and correctional funding play a tremendous role in the quality of daily visits by mental health staff. The current fiscal crisis should further bolster efforts by correctional agencies to ensure inmates with mental illnesses are deferred from supermax placement while also proactively screening inmates in supermax custody for serious illnesses. However, making these recommendations is easier to suggest than to implement. A great starting point would be for correctional agencies to not just examine “what works” for other correctional agencies, but also work with clinicians and other mental health care professionals to establish applicable mental health guidelines.

Offering supermax inmates numerous mental health examinations as well as having plans for screening and removing inmates that are determined mentally ill is not an impossible task. States are slowly starting to adopt mental health strategies. The southern region, widely known for being the most punitive, proscribes the most mental health guidelines. This finding is quite surprising, considering the South has a long

history of staying “tough on crime” and helping influence the propagation of supermax facilities (King, 1999; Mears & Castro, 2006). Toch (2003) stated, “And if prisons were to provide effective mental health assistance in supermax, prisons plausibly could be accused of substituting an ounce of cure for a pound of prevention, the equivalent of offering someone crutches after breaking their leg” (p. 226). An uninformed public in conjunction with political agendas lend credence to Toch’s (2003) critique of supermax facilities exacerbating problems for the mentally ill (Slate & Johnson, 2008). However, the current analysis reveals states are aware of the need for mental health treatment for supermax inmates. More can be done though; Slate and Johnson suggest doing nothing will eventually cost more than being proactive in protecting the mentally ill within prisons.

#### Supermax Privileges

Examining policies regarding inmate privileges revealed that visits, telephone calls, and programming opportunities are largely permitted by most correctional agencies. Programming opportunities within supermax facilities, if they are available, require the inmate remain in his or her cell or unit (Riveland, 1999). The evaluation of supermax policies also reveals that approximately 86% of the 42 state policies allow programming within their supermax units. However, approximately 56% of the supermax policies reveal the programming options are not equal to those offered to the general population. The primary reason states would grant limited programs is due to possible threats to the security of the institution. Following Richard’s (2008) analysis of the federal supermax penitentiary at Marion, Illinois, the author asserted inmates will return to society at some point, which increases the responsibility of correctional administrators to offer programs

that target the needs of the supermax offenders. Additionally, Richards found inmates are allowed more privileges and programs as they transition to less restrictive units.

However, the programs offered to inmates often occur inside the cell, which means inmates benefit only as a result of their own effort put toward the programs. The current findings reveal while correctional departments offer programs to supermax inmates, the quality of those programs are of lesser quality than those offered to the general population.

Bales and Mears (2008) found inmate visits reduce the likelihood and prolong the occurrence of recidivism for many offenders. As such, research indicates contact with family and friends outside of prison generally increase the likelihood of successful re-entry. The authors found 42% of the Florida inmate population received a visit the year before their release. Although prison administrators are unable to mandate inmate visitation, they can increase opportunities to see family and friends. The policies reveal telephone and visitation privileges are important options to allow inmates to socialize with family members and friends. Therefore, it is imperative inmates in supermax custody receive privileges that increase their likelihood of successful re-entry. The analysis reveals approximately 90% of the sample allows visitations with family members, and approximately 79% of the directives allow inmates to make telephone calls. This is surprising, considering supermax facilities represent the apex in punitive confinement (King, 1999). However, the manner in which inmates are allowed to visit family members or make telephone calls varies considerably. Some states allow supermax inmates to have visitations consistent with those offered to the general population. However, other states, such as Alabama, allow supermax inmates only one

visit every 180 days while being physically restrained. These discrepancies exist across and within each region.

### Limitations of the Study

The generalizability of the study is limited because some of the correctional departments do not offer their policies to the public. Therefore, it is difficult to determine whether a particular supermax correctional policy possesses the required information to assess the research questions. Although it is crucial to acknowledge this limitation, efforts were made to minimize the effects. For example, correctional departments were contacted through telephone or e-mail correspondence and given instructions on the specific type of policy that would be needed for the current study. Additionally, attempts were made to ensure the correctional departments disseminated the correct supermax policy by examining the current literature. For example, Haney (2003) noted California utilizes security-housing units, which is the directive examined within the study.

It is important to note the study cannot discuss the extent to which prison administrators and staff comply with institutional policies. The review times or admission criteria examined within the policies may vary in implementation. Although the study presents a qualitative assessment of supermax policies, one researcher conducted the coding and analysis of the data. Therefore, slight bias may be present during the assessment of each research question. To minimize the effects of researcher bias, the assessment of the supermax policies was examined within the context of previous studies. For example, Haney (2003) and Kupers et al. (2009) discussed the importance of treating the mentally ill, which helped establish the mental health guidelines examined within the supermax policies.

## Conclusion

A thorough program evaluation might reveal supermax prisons have minimal empirical support. Mears (2010) discussed the importance of preventing the implementation of irrational correctional policies. It is important to note that supermax prisons can become an effective management tool for handling problematic inmates, but current research and evaluation assessments do not support the current operations of supermax facilities. Mears discussed the importance of assessing policies through a hierarchical process. The hierarchy is comprised of several steps that ensure a policy is grounded in rationality and solves societal problems. Ignoring the hierarchy can lead to problems in the implementation process of a particular program. Supermax prisons are often critiqued for lacking a theoretical framework that is supported empirically. For example, prison administrators believe supermax facilities serve as a deterrent that prevents other inmates from misbehaving. However, inmates are not likely to be deterred by supermax imprisonment because a small number of inmates comprise supermax population, which lessens the certainty aspect of deterrence (Pizarro et al., 2006). The aforementioned problems affect the manner in which rules and regulations are written for prison administrators to enforce. If supermax prisons are utilized to separate and punish the worst of the worst inmates without attempting to reintegrate or rehabilitate the offender, then the policies will reflect this punitive outlook. The current analysis reveals correctional departments are aware of the need to provide important mental health services and programs to supermax inmates, but it is not possible to assess compliance with the policies.



In an assessment of three-strike laws, Shichor (1997) incorporated Ritzer's (1993) McDonaldization theory to explain the use of this punitive correctional policy. Ritzer posited social infrastructures are becoming dominated by the need to calculate costs, predict human behavior, and operate efficiently to handle the needs of modern society (Shichor, 1997). Applying the theory of McDonaldization to the operations of the criminal justice system may reveal that an increasing bureaucratic machine may be slowing down the correctional process while also limiting discretion among correctional agencies. Shichor critiqued the use of three-strike laws because prison administrators and public officials thought crime was a predictable phenomenon, and if an individual convicts three or more offenses, then they are destined to a life of criminality. Shichor explains that such behavior is not predictable.

Extending Shichor's (1997) critique to the use of supermax facilities can provide insight into the use of supermax facilities. Litigation has increased regarding the use of supermax facilities, which also has resulted in administrative effort to prevent future lawsuits. As such, states have examined what works for other correctional departments. This may explain the similarities found within and across regions for admitting inmates to supermax custody, reviewing the classification levels of supermax inmates, providing mental health guidelines and offering privileges. Shichor states,

The three-strike laws that have spread recently in the United States are a reaction to moral panic that has swept the country since the 1970s. On the public policy level, these measures can be viewed as being related to the new penology trend.

(p. 486)

It is possible to extend Shichor's (1997) statement to the use of supermax facilities because prison administrators panicked when they believed they would lose control of supermax facilities as riots and more offenders began to populate prisons (Richards, 2008). The McDonaldization of prisons reduces warden discretion, increases the need to be accredited, and attempts to protect agencies against lawsuits. Although the current analysis was unable to determine a correctional agency's level of compliance with accrediting agencies, such as the American Correctional Association (ACA), such membership may have influenced the regulations of certain policies.

Discretion is a cornerstone of correctional practices. Shichor's (1997) assessment of three-strike laws concluded punishments that attempt to hold all offenders committing three felony crimes fully accountable wastes precious institutional resources by targeting the wrong individuals. The current analysis does not suggest correctional departments remove discretion from correctional administrators and officers within the institution because human behavior is unique and sufficient discretion is needed to individualize punishment. Proper training and well-written rules and regulations can aid officers and wardens with decisions that best benefit the inmate population and the correctional staff. However, standardizing policies that support the positive use of discretion by prison administrators and officers will lessen the likelihood of litigation and ensure the correct inmate is chosen for supermax placement. More importantly, if public officials and correctional administrators want supermax prisons to become a prolonged and persistent investment within corrections, researchers need increased access to these enigmatic institutions without worrying about the qualifications of a particular facility.

Mears and Watson (2006) recommended researchers examine correctional documents to determine the goals of supermax prisons. The findings from the current study reveal departments use these institutions to separate troublesome inmates from the general population in an effort to minimize threats to the security of an institution. Additionally, the findings reveal considerable variation exists across and within each geographic region for admitting inmates to supermax confinement, reviewing their classification levels, treating the mentally ill, and providing institutional privileges. King (1999) relied on wardens and onsite visits to determine whether a state operated a supermax facility. This study extends King's (1999) analysis by focusing specifically on supermax policies to develop a typology of how states admit inmates to such restrictive confinement. Additionally, the study found that correctional agencies do mandate certain forms of mental health treatment, but more can be done to ensure each state remains vigilant in protecting this vulnerable class of inmates.

Naday et al. (2008) discussed the importance of establishing a uniform definition of supermax prisons that can help correctional agencies standardize policies and practices. The findings verify Naday et al.'s recommendation to create a standardized definition of supermax prisons that would specifically state the type of inmate that best fits supermax placement. Additionally, the majority of supermax policies rely on vague wording to admit inmates, such as inmates that pose a threat to institutional safety. This is problematic, because correctional agencies that do not define a threat to the security of an institution can experience numerous problems, including overcrowding and litigation (Kupers et al., 2009). Therefore, it is important to remember correctional policies offer a minimal defense for prison administrators against litigation. O'Keefe (2008) states,

As demonstrated in *Ruiz v. Johnson* (1999), clearly written policies and procedures are not nearly enough; a court of law will examine actual practices. In fact, even accreditation by the American Correctional Association did little to assist the corrections officials' position in the Texas lawsuit when a paper review was deemed an inadequate substitute for a thorough on-site evaluation. (p. 140)

Past and current punitive trends in the United States allow supermax prisons to operate without establishing effectiveness and efficiency (Pizarro et al., 2006). While advocates rationalize their existence by claiming increases in problematic prison populations require a harsh response, other influences also contribute to their establishment (King, 1999). A culmination of factors such as support from wardens and political leaders, outbursts in prison violence, and a need for prison safety explains supermaxes' propagation across the United States (Mears and Castro, 2006; O'Keefe, 2008; Pizarro et al., 2006; Riveland, 1999). In actuality, the claims that supermax prisons increase prison safety and are cost-effective remain unsupported by research (Kurki & Moris, 2001; Pizarro et al., 2004). Correctional administrators should heed the warning from Bench and Allen (2003) who state, "Classification as a correctional tool for managing inmate behavior is only useful to the extent that it makes meaningful discriminations. Errors in classification tend to be oriented in the direction of false positives (overclassification) rather than false negatives (underclassification)" (p. 377). If supermax prisons want to increase safety and ensure cost-effective practices, change should occur within the context of the policies, and officers should be trained accordingly. Incorporating parsimonious classification systems can increase institutional

efficacy and save money by ensuring the appropriate offender is selected for supermax placement, which prevents litigation (Kupers et al., 2009).

Recent economic problems have required the United States to reexamine the high cost of corrections. At a time when saving money earns political support, certain politicians, attorneys, police chiefs, and researchers are calling for new methods in the criminal justice system (Adams, 2009; Dieter, 2009). Attorney General Eric Holder referred to this approach as “being smart on crime” (Adams, 2009, p. 1). The intelligence-based movement embraces scientific research to reexamine the current costs of the criminal justice system. Dieter (2009) applied the intelligence-based movement to the death penalty and evaluated its exorbitant costs despite the declining economy. Applying a similar assessment to supermax prisons may yield comparable results in determining the costs and benefits of such institutions.

Supermax prisons are an integral component of state correctional systems. Some states have very clearly defined Supermax policies while others are vague. Change is slow in government, especially in corrections. The implementation of total control in Supermax, as in Guantanamo, is a test of the basic principles of democracy. Policies, which promote transparency, avoid arbitrariness and capriciousness (Szasz, 1961), sustain democratic principles and in the long term avoid the fiscal and operational dilemmas created by lawsuits.

Prison administrators have a very difficult job and are rarely rewarded for the positive changes they make in the lives of the inmates and the staff that work under their supervision. The challenge facing correctional leaders, politicians, and society is to modify prison (Supermax) operations (Lippke, 2004) while saving money and increasing

public safety. This is not a new challenge but with the dramatic increases in state correctional budgets in the last 20 years, states are rethinking Supermax policies. This study enables an examination of those policies and provides for further discussion of the role of Supermax facilities in state correctional systems and in a democratic system of justice.

## APPENDIX A

## MENTAL HEALTH GUIDELINES FOR SUPERMAX INMATES

State	Mental Health Guidelines
Alabama	<ul style="list-style-type: none"> <li>• Receive mental health treatment when in administrative segregation over 30 days and every 90 days after.</li> <li>• Determine if an inmate's mental health status is contraindicated or worsened by administrative segregation.</li> </ul>
Alaska	<ul style="list-style-type: none"> <li>• Health care staff will visit daily and offer the same health services as the general population receives.</li> <li>• Inmates with serious mental disorders may be separated from the general population and placed in administrative segregation for closer observation.</li> </ul>
Arizona	<ul style="list-style-type: none"> <li>• Health care staff will visit the inmate upon request</li> <li>• Health care staff can mandate a mental health watch when an inmate begins to display early symptoms of a serious mental health disorder.</li> </ul>
Arkansas	<ul style="list-style-type: none"> <li>• Inmate behavior caused by a mental illness will not be punished.</li> <li>• Inmates will not be punished in a manner that can deteriorate or worsen a current mental illness.</li> </ul>
California	<ul style="list-style-type: none"> <li>• Health care staff will visit security-housing inmates daily.</li> <li>• During the initial review process of supermax placement, an inmate will undergo a psychological classification and the findings will be forwarded to the classification committee.</li> <li>• Inmates with known psychiatric disorders that do not require hospitalization will be housed in a psychiatric services unit (PSU) instead of a segregated housing unit.</li> </ul>
Colorado	<ul style="list-style-type: none"> <li>• Health care staff will review inmates entering administrative segregation within the first 30 days of their placement and every 90 days after, reporting all findings.</li> </ul>
Connecticut	<ul style="list-style-type: none"> <li>• Health care staff will review an inmate in administrative segregation within the first 30 days of placement and every 90 days afterwards.</li> </ul>
Florida	<ul style="list-style-type: none"> <li>• Health care staff will visit administrative segregation inmates daily.</li> <li>• A mental health professional will review the status of inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> <li>• Requires a pre-confinement physical and mental health assessment, which is recorded in the mental health package.</li> <li>• Inmates with individual service plans (ISP) requiring counseling are allowed to attend regularly scheduled sessions contingent upon good behavior.</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>• Health care staff will examine inmates within 24 hours of administrative segregation placement and 3 times per week.</li> <li>• A psychologist or psychiatrist will see inmates with known mental illnesses as requested by unit staff.</li> </ul>

Idaho	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of segregation inmates within the first 30 days of placement and every 90 days following.</li> <li>• Health care staff will conduct cell front examinations of inmates weekly, and record the status of inmates.</li> <li>• A mental health professional will see inmates with diagnosed mental illnesses within 1 day of supermax placement.</li> <li>• A mental health professional can request a private setting to conduct the interview, which requires an escort of the inmate to a health ward.</li> </ul>
Illinois	<ul style="list-style-type: none"> <li>• Inmates can be admitted to administrative segregation for mental health concerns.</li> <li>• Recreation may be restricted for mental health reasons.</li> </ul>
Indiana	<ul style="list-style-type: none"> <li>• A mental health professional will review an inmate's health record within two days upon administrative segregation placement and determine whether his or her mental status is worsened in such confinement.</li> <li>• Mental health staff will conduct weekly evaluations, and every 90 days a mental health professional will conduct interviews with administrative segregation inmates.</li> <li>• A seriously mentally ill inmate is defined as an individual with an AXIS I diagnosis, or someone who scores 40 or below on a Global Assessment of Functioning (GAF) test.</li> <li>• Inmates with a diagnosed AXIS I mental illness will not be admitted to a Security Confinement Unit (SCU), and inmates with a degrading mental state will be transferred to a health care unit.</li> </ul>
Kansas	<ul style="list-style-type: none"> <li>• A medical doctor will examine inmates within 24 hours of administrative segregation placement and every week afterwards.</li> <li>• A mental health professional will review the status of inmates within the first 30 days administrative segregation placement and every 90 days following.</li> <li>• Inmates displaying severe symptoms of mental illnesses can be admitted to administrative segregation to determine treatment options.</li> </ul>
Kentucky	<ul style="list-style-type: none"> <li>• A psychiatric and psychological assessment of an inmate in administrative control status will occur after the first 30 days of placement and every 90 days afterwards.</li> <li>• An inmate with a mental illness may be admitted to administrative control status.</li> <li>• A psychiatrist or psychologist will visit special management units on a monthly basis to address inmate concerns.</li> </ul>
Louisiana	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> </ul>
Maine	<ul style="list-style-type: none"> <li>• Health care staff will visit high-risk management inmates daily.</li> <li>• A mental health professional will review the status of an inmate within the first 30 days of high-risk management status placement and every 90 days following.</li> <li>• Examinations from mental health professionals will be included in the decision making process of the reviewing committee.</li> </ul>



	<ul style="list-style-type: none"> <li>• Correctional officers will check inmates in 30-minute intervals, but inmates displaying symptoms of mental illnesses will be observed more frequently.</li> </ul>
Massachusetts	<ul style="list-style-type: none"> <li>• Mental health staff will screen an inmate immediately before or after being placed in segregation status.</li> <li>• Medical staff will make daily visits to inmates in special management units.</li> <li>• A mental health professional will review the status of an inmate within the first 30 days of special management unit placement and every 90 days following.</li> </ul>
Michigan	<ul style="list-style-type: none"> <li>• Inmates with mental illnesses should not be housed in segregation units, however, some inmates require treatment in segregation units because they may threaten others.</li> <li>• Health care staff will immediately prepare referrals for inmates developing symptoms of a mental illness within a segregation unit.</li> <li>• Health care staff will evaluate inmates and their case files monthly to determine to treat or defer inmates from segregation units.</li> </ul>
Minnesota	<ul style="list-style-type: none"> <li>• Inmates showing symptoms of a mental disorder will not be admitted to administrative control status.</li> <li>• A mental health evaluation will be conducted prior to an inmate entering administrative control status.</li> <li>• A mental health professional will conduct an evaluation of administrative control status inmates every 30 days.</li> <li>• Inmates who develop a mental illness within administrative control status will be removed.</li> </ul>
Mississippi	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> <li>• Mental health staff will make “frequent rounds in the administrative segregation unit.</li> </ul>
Missouri	<ul style="list-style-type: none"> <li>• A mental health professional will review inmates in administrative segregation after the first 12 months of placement and every 12 months afterwards.</li> <li>• Inmates pending an administrative segregation extension review will have their medical and mental health needs evaluated by a mental health professional and included in the decision making process.</li> <li>• Medical services to inmates are available upon request.</li> <li>• Mental health professionals will determine if symptoms of mental illness exist for inmates exhibiting disruptive behavior.</li> </ul>
Montana	<ul style="list-style-type: none"> <li>• Inmates will be visited weekly by health care staff or upon request.</li> <li>• Inmates exhibiting mental illness symptoms will be observed more frequently by correctional officers and other staff.</li> </ul>
Nebraska	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> <li>• Administrative segregation decisions will take into account an inmate’s mental health record.</li> </ul>

	<ul style="list-style-type: none"> <li>• During administrative segregation classification hearings, inmates will not be informed of clinical reports from mental health professionals.</li> </ul>
Nevada	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> <li>• Certain items may be removed from an inmate’s cell if they pose a threat to others or his or herself as recommended by mental health staff.</li> <li>• Medical staff will make daily visits to administrative segregation units.</li> </ul>
New Hampshire	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of special housing placement and every 90 days following.</li> <li>• Inmates exhibiting symptoms of a severe mental illness will be relocated to a “day room” where mental health staff can evaluate the inmate.</li> <li>• Precautionary watch for medical reasons occurs when an inmate’s behavior occurs due to a severe mental illness.</li> <li>• Mental health staff will visit inmates in precautionary watch daily.</li> </ul>
New Jersey	<ul style="list-style-type: none"> <li>• Professional staff will visit inmates daily within Management Control Units.</li> <li>• Emergency psychiatric care will be provided to inmates immediately upon correctional officer or staff request.</li> </ul>
New Mexico	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of segregation placement and every 90 days following.</li> <li>• Health professionals will screen inmates before determining placement in custody level V or VI, and they will be deferred if a serious mental illness exists.</li> <li>• Medical staff will visit inmates daily in segregation units.</li> <li>• The Unit Management Team will include a mental health professional to help evaluate, admit, and release inmates.</li> <li>• A mental health professional will defer inmates with mental illnesses from being placed in “adjustment controls,” which restrict inmate mobility.</li> </ul>
New York	<ul style="list-style-type: none"> <li>• A mental health professional will examine each inmate upon admission to a security-housing unit and document the examination.</li> <li>• Mental health staff will conduct daily visits of the security-housing units.</li> </ul>
North Carolina	<ul style="list-style-type: none"> <li>• Inmates with a diagnosed mental disorder will be deferred from entering high security maximum control (HCON) unless a mental health professional permits their placement.</li> <li>• Mental health examinations will occur prior to HCON admittance to ensure the inmate is prepared for isolation.</li> <li>• Inmates that develop a mental illness will not be readmitted to HCON without another mental health evaluation.</li> <li>• Correctional officers will check inmates in 30-minute intervals, but</li> </ul>

	inmates displaying symptoms of mental illnesses will be observed more frequently.
Ohio	<ul style="list-style-type: none"> <li>• Mental health staff will visit inmates daily.</li> <li>• Level 5 classified Inmates with a serious mental illness will not be housed at Ohio State Penitentiary</li> </ul>
Oklahoma	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of segregation placement and every 90 days following.</li> <li>• Medical staff will examine the mental state of an inmate upon entrance to administrative segregation.</li> <li>• Correctional officers will check inmates in 30-minute intervals, but inmates displaying symptoms of mental illnesses will be observed more frequently.</li> <li>• Mental health staff will conduct daily visits with inmates in security-housing units as well as bi-weekly screenings to determine if mental illness symptoms exist.</li> </ul>
Oregon	<ul style="list-style-type: none"> <li>• A mental health professional will visit inmates in intensive management units three times per week.</li> <li>• Mental health staff will evaluate inmates in intensive management units within the first 30 days of placement and as needed afterwards.</li> <li>• Inmates displaying symptoms of a mental illness will be sent to an intensive management unit for their mental health needs.</li> <li>• Mental health infirmary can be used to house inmates from intensive management units for proper care.</li> <li>• Mental health services available for inmates include crisis intervention, behavioral contracts, anger management, and other services.</li> </ul>
Pennsylvania	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative custody placement and every 90 days following.</li> <li>• The program review committee should defer inmates from administrative custody with mental illnesses and place them in secure special needs units or regular special needs units.</li> <li>• A secure special needs unit is designed to house inmates with mental illnesses who have served time in multiple restrictive housing units to ensure they receive proper medical care.</li> <li>• Inmates unable to attend a classification hearing due to physical or mental illnesses will have their review delayed until they are ready.</li> </ul>
Rhode Island	<ul style="list-style-type: none"> <li>• Health professionals are available upon request.</li> </ul>
South Carolina	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of maximum-security unit placement and every 90 days following.</li> <li>• A mental health staff member will conduct daily visits of the maximum-security units.</li> <li>• Before an inmate is admitted to a maximum-security unit, his or her mental status will be examined and included in a referral packet.</li> <li>• Inmates with a mental illness can be deferred to a psychiatric unit instead of a maximum-security unit.</li> </ul>

	<ul style="list-style-type: none"> <li>• Findings from a mental health examination will also be included in the custodial reviews of inmates.</li> <li>• Mental health staff will also assist and be knowledgeable of stress levels for officers within the maximum-security ward.</li> <li>• The maximum-security unit committee will include a member from the mental health staff.</li> </ul>
South Dakota	<ul style="list-style-type: none"> <li>• Inmates in administrative segregation for periods longer than a year will be examined by a mental health professional and every six months afterwards.</li> <li>• Administrative segregation may not be used to control behavior caused by a mental illness.</li> <li>• The administrative segregation hearing board may include a psychological assessment of an inmate to determine if solitary confinement is appropriate.</li> <li>• A mental health professional will conduct a psychological examination of inmates prior to placement in administrative segregation and before each review hearing.</li> <li>• Administrative segregation is not suitable for inmates with mental illnesses.</li> <li>• Inmates in administrative segregation for periods longer than a year will be examined by a mental health professional and every six months afterwards.</li> </ul>
Tennessee	<ul style="list-style-type: none"> <li>• Mental health staff will see inmates within 24 hours of administrative segregation placement, and their findings will be forwarded to the warden.</li> </ul>
Vermont	<ul style="list-style-type: none"> <li>• Mental health staff will visit the administrative segregation ward daily to address inmate health problems.</li> <li>• Mental health staff will visit the administrative segregation ward on a weekly basis.</li> <li>• A mental health staff representative will be a part of the segregation review committee.</li> <li>• Inmates with mental illnesses cannot be admitted to administrative segregation unless approved by a mental health professional and no apparent contraindications exist.</li> <li>• All requests extensions to administrative segregation past six months will be accompanied by a mental health treatment plan for the inmate.</li> </ul>
Virginia	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of maximum-security unit placement and every 90 days following.</li> <li>• Mental health staff will visit the segregation ward daily to address inmate health problems.</li> <li>• A mental health professional will screen offenders during the first day of their special housing unit placement to determine if a mental illness exists.</li> <li>• Mental health staff will monitor inmates placed in segregation with a mental illness.</li> <li>• Correctional officers who work inside the segregation units will be required to undergo training regarding the treatment of inmates with mental disorders.</li> <li>• Correctional officers will check inmates in 30-minute intervals, but</li> </ul>

	inmates displaying symptoms of mental illnesses will be observed more frequently.
Washington	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of intensive management unit placement and every 90 days following.</li> <li>• The department director for mental health must approve the placement of inmates with mental illnesses into intensive management units.</li> <li>• Inmates with mental illnesses can be placed in a mental health unit.</li> <li>• A mental health professional will create an individualized treatment plan and a reintegration plan for each inmate in intensive management units.</li> <li>• Mental health issues will be one of the criteria examined to determine if an inmate should be released from an intensive management unit.</li> </ul>
West Virginia	<ul style="list-style-type: none"> <li>• A mental health professional will review the status of an inmate within the first 30 days of administrative segregation placement and every 90 days following.</li> <li>• Correctional officers will check inmates in 30-minute intervals, but inmates displaying symptoms of mental illnesses will be observed more frequently.</li> <li>• Mental health staff will visit the segregation ward daily to address inmate health problems.</li> <li>• A mental health staff representative will help comprise the administrative segregation review committee.</li> </ul>
Wyoming	<ul style="list-style-type: none"> <li>• Having a mental illness is grounds for admission to administrative segregation to ensure medical treatment.</li> <li>• A mental health staff representative can help comprise the administrative segregation review committee.</li> <li>• A mental health professional will evaluate an inmate upon entrance to long-term administrative segregation.</li> <li>• An inmate may be evaluated by a mental health professional upon request by the inmate or supervising officer.</li> </ul>

## APPENDIX B

## IRB APPROVAL FORM


**THE UNIVERSITY OF  
SOUTHERN MISSISSIPPI**

INSTITUTIONAL REVIEW BOARD

118 College Drive #5147 | Hattiesburg, MS 39406-0001

Phone: 601.266.6820 | Fax: 601.266.4377 | www.usm.edu/irb

**NOTICE OF COMMITTEE ACTION**

The project has been reviewed by The University of Southern Mississippi Institutional Review Board in accordance with Federal Drug Administration regulations (21 CFR 26, 111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria:

- The risks to subjects are minimized.
- The risks to subjects are reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the "Adverse Effect Report Form".
- If approved, the maximum period of approval is limited to twelve months. Projects that exceed this period must submit an application for renewal or continuation.

PROTOCOL NUMBER: 11061601

 PROJECT TITLE: **What Makes Offenders the "Worst of the Worst"?**
**An Examination of State Policies Defining Super-Maximum Confinement**

 PROJECT TYPE: **Dissertation**

 RESEARCHER/S: **Harry Daniel Butler**

 COLLEGE/DIVISION: **College of Science & Technology**

 DEPARTMENT: **Criminal Justice**

 FUNDING AGENCY: **N/A**

 IRB COMMITTEE ACTION: **Expedited Review Approval**

 PERIOD OF PROJECT APPROVAL: **08/08/2011 to 08/07/2012**

*Lawrence A. Hosman*  
 \_\_\_\_\_  
 Lawrence A. Hosman, Ph.D.  
 Institutional Review Board Chair

*8-10-2011*  
 \_\_\_\_\_  
 Date

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