


SUPER- MAXIMUM CUSTODY PRISONS IN THE UNITED STATES

**WHY
SUCCESSFUL
REGIMES
REMAIN
CONTROVERSIAL**

*(Study of the Effects of
Long-Term Confinement
Under Conditions of Super-
Maximum Custody)*

ALCATRAZ

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Although the critical issues confronting prison administrators vary between countries, one problem is evident in most correctional systems. That issue relates to the management of the small number of violent and dangerous offenders who, for whatever reasons, engage in predatory or disruptive behaviour while incarcerated. Though the proportion of such offenders is very small, typically accounting for less than 1-2 per cent of the total prison population, they frequently present a very real threat to institutional order and security as well as to the safety of staff and their fellow inmates.

To control this small subset of the inmate population, correctional policymakers have historically relied on two principal strategies — dispersion or consolidation. While each of these methods have advantages, there has been comparatively little empirical evidence as to which is the most effective. Correctional systems have generally moved from one strategy to the other based on factors other than research results. Dissatisfaction with one method results in a shift in hopes that the other strategy may somehow prove more effective.

Under the dispersion model, inmates who represent management problems are scattered to as many prisons in the system as possible, thus limiting their total number in any single institution. In so doing, administrators hope that they will cease their disruptive behaviour and begin to participate in regular institutional programs. Dispersal also seeks to prevent the establishment of groupings or gangs that attempt to control illicit activity through threats, intimidation, and violence directed toward staff and inmates.

While it has the obvious advantage of not requiring an expensive 'super-max' physical plant with its large staff, dispersal often results in each prison in the system being forced to employ high levels of security and control to deal with only the

tiny minority of the population that requires such supervision. Consequently, the freedom and activities for the vast majority of offenders who want to serve their sentences without incident and seek release as quickly as possible are severely restricted.

To maintain order under the dispersal strategy, predatory offenders often end up spending long periods confined to disciplinary segregation units because of actual, threatened, or even rumoured involvement in serious rules violations. When staff patience wears out, they are then likely to be transferred to another institution in an attempt to temporarily disrupt alliances with other troublemakers and to give them, as well as staff, a fresh start. But experience indicates that simply transferring management problems from one prison to another reduces disruptive behaviour for only a brief period of time — or until those inmates reach the stage in their lives where the aging process itself prompts a slow down in physical activity and a more contemplative state of mind. But as the current generation of troublemakers grows older, a new, younger group is always moving up to take its place.

The obvious alternative to dispersion has been consolidation — the intentional concentration of the most aggressive, escape — prone, and disruptive prisoners in a single facility where the level of security and the overall regime is specifically designed to control them. The small number of 'super-max' prisons in the United States specifically designed and built to house these particular offenders are well known due to the notoriety of the inmates, the drama of events in these prisons, and the controversy that these particular regimes evoke. And while the consolidation strategy can positively impact the quality of life and operation in other prisons in the system, it also has limitations. Although they are generally small in size, they require a large staff complement to insure security and control, and are therefore considerably more expensive to operate — ranging up to \$36,000-\$40,000

per year, per inmate, in some US systems. And these special institutions, even when they are successful in controlling violence, tend to produce criticism that the punishment is too harsh and thus exacerbates already emotionally unstable personality problems.

Administrators and wardens/governors spend a significant amount of their time dealing with the concerns raised by this small percentage of their prison population. Because of our backgrounds and academic interests, we are quite familiar with steps that the US Department of Justice has taken since the early 1930's to try to manage the most violent and disruptive prisoners held in federal custody. In 1934, the Department of Justice acquired the former military prison of Alcatraz Island in San Francisco Bay and converted it into a high security penitentiary for 'habitual' offenders and 'intractable' prisoners — a prison that became popularly known as 'The Rock'. Until its closure in 1963, Alcatraz served as the symbol of the federal government's no-nonsense approach in dealing with its most highly publicized offenders, its most sophisticated prison escape artists and riot leaders, and its most assaultive inmates.

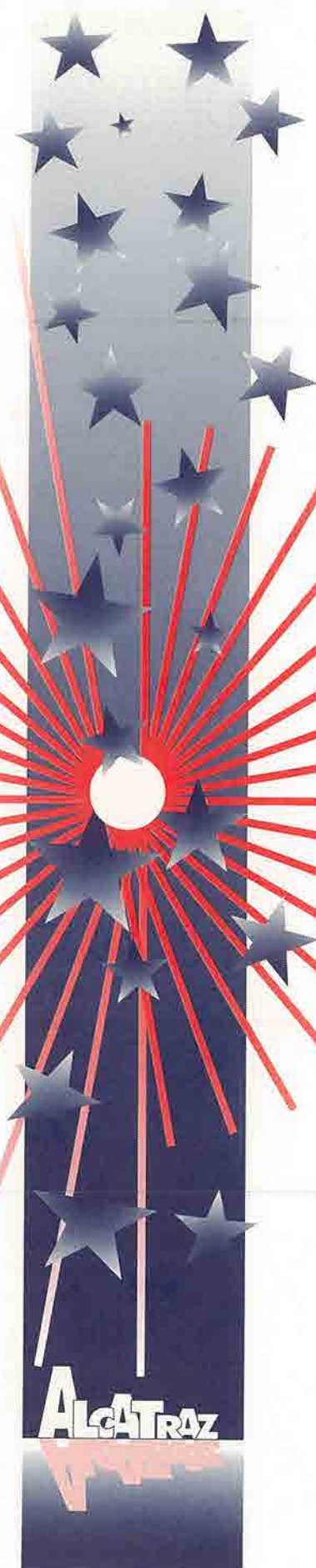
The decision to close 'The Rock' and to disperse its inmates to other federal prisons throughout the country was made for several reasons. One important factor concerned the high operating and maintenance costs of an island facility as well as the deteriorating infrastructure resulting from sea air corrosion. But, the primary consideration was a major shift in public policy in the United States regarding the purpose of imprisonment. During the 1960's the federal prison system like those in many states, entered an era in which rehabilitation became the dominant rationale for penal confinement. The continued operation of Alcatraz, an institution dedicated only to incapacitation and deterrence, did not fit comfortably in a field that began to call itself 'corrections'.

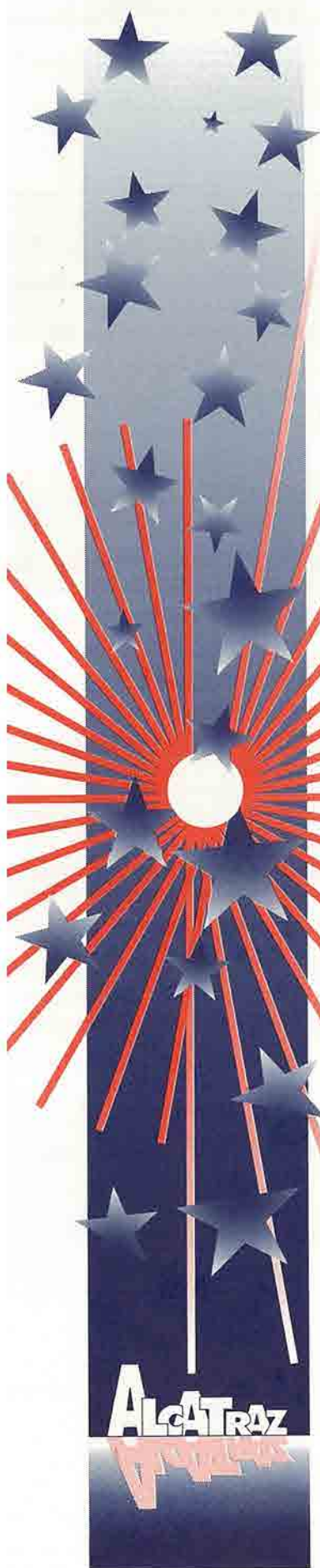
While a new 500 bed maximum security penitentiary was authorized and constructed in Marion, Illinois to coincide with the closure of Alcatraz, a decision was made by the Bureau of Prisons and the Department of Justice to abandon the concentration model and to disperse problem prisoners to various federal prisons across the country. As a result, Marion was opened as a standard federal penitentiary with the full range of programs and activities and the freedom of movement for inmates that went with them. Marion operated in this manner until 1978 when as a result of increased conflict between inmates, often along the lines of race and ethnicity, and encouraged first by the growth of the 'inmate rights' movement and later by the drug trade, the level of assaults and violence directed toward staff and inmates passed the level of tolerance in the federal system.

Controls and restrictions including the establishment of a special high security 'control unit' within Marion increased over the next few years until late October, 1983, when two correctional officers were murdered in separate incidents on the same day and on the following day, the 26th inmate was killed. From that date to the present, Marion returned to the basic elements of the Alcatraz regime, now officially called, 'indefinite administrative segregation', but more popularly identified as a 'lockdown'. The press and its critics soon labelled Marion, 'the new Alcatraz'.

The basic elements of a 'lockdown' regime in the federal prison system, consists of the following key elements:

1. Each inmate is housed in a single cell.
2. No congregate activity is allowed, except in pre-transfer units.
3. Inmates spend 23 hours of each day in their cells, emerging only in handcuffs and leg restraints to be escorted, one at a time, to an enclosed exercise area or to a locked, barred shower stall.





4. Educational (correspondence courses), religious, and case work activities are conducted by staff through the bars of each inmate's cell, inmates do not go to their offices.
5. No contact visiting is permitted, except with attorneys.
6. No commissary is allowed; cell activities are limited to watching a five-inch black and white TV, listening to a radio (with earphones), reading, and writing letters and legal briefs.
7. Inmates do have access to books and articles from a basic law library, to paralegal assistance, and to their attorneys.

The principal differences between the Marion and Alcatraz regimes are that congregate activities, except for inmates confined to disciplinary segregation, were allowed on the Rock. A work assignment at Alcatraz was, however, a privilege to be earned by good conduct. There were no psychologists, case workers, teachers, or vocational training instructors on staff at Alcatraz. The Marion staff includes a psychologist, an education supervisor, and case manager, who deal with routine inmate concerns regarding transfer and parole hearings, family problems, and access to educational and religious resources.

The key difference for the inmates at Marion is the right, never enjoyed by their predecessors at Alcatraz, to uncensored written communication and contact visits with their attorneys, and access to a law library so that they may file legal briefs related either to their sentences or to the 'conditions' of their confinement.

The use of physical punishment was not allowed at Alcatraz and is strictly prohibited at Marion. The punishment in both prisons was, and is the restraint on activities and the limited number of privileges and amenities compared to standard penitentiaries.

The use of maximum coercive authority by the government always attracts the attention of the press, and since the 1960's the electronic media, as well as from prison reform groups and inmates' rights organizations. Operations at Alcatraz and Marion have produced the same allegations from critics:

1. That men are psychologically disabled as a result of serving long years under such highly restrictive regimes.
2. That inmates from these prisons transferred back to standard penitentiaries are so filled with rage at being kept 'like animals in a cage' that they strike out against other prisoners and particularly against employees of the system that so confined them.
3. That when they are finally released to the 'free world' their post-release criminal conduct will demonstrate that the anger engendered by experiences in Alcatraz or Marion will be taken out in the form of assaults on the citizens.

It might have been a little more difficult to close Alcatraz in 1963 if the accuracy of these charges had been known at the time, but follow-up studies require that years pass to measure post-release behaviour. And for prison staff, their current prison population is almost always considered to be more difficult or dangerous than its predecessors. In any case, Alcatraz represented the wrong symbol with the new emphasis on 'rehabilitation' — a policy direction in which the federal prison system was expected to play a leading role. But, we now know the answer to the concerns that have been raised about the effects of confinement under super-maximum custody conditions as the result of a lengthy and comprehensive follow-up study of the 1,550 inmates who served time at Alcatraz from 1934-1963 — answers which contradict both the conventional wisdom and the opinions of most of the experts. Briefly stated, the evidence from this project, which was funded by the

National Institute of Justice, allows the following conclusions:

First, the proportion of the inmates experiencing mental health problems (measured at Alcatraz, at subsequent prisons and after release from prison, by the diagnoses of mental health professionals, by referrals to mental health wards, to federal medical centers, or to civilian mental health facilities, and/or placement on psychotropic drugs) was seven per cent, exactly the same figure found for a matched comparison of inmates who served time during the same three decades as Leavenworth, a standard federal penitentiary.

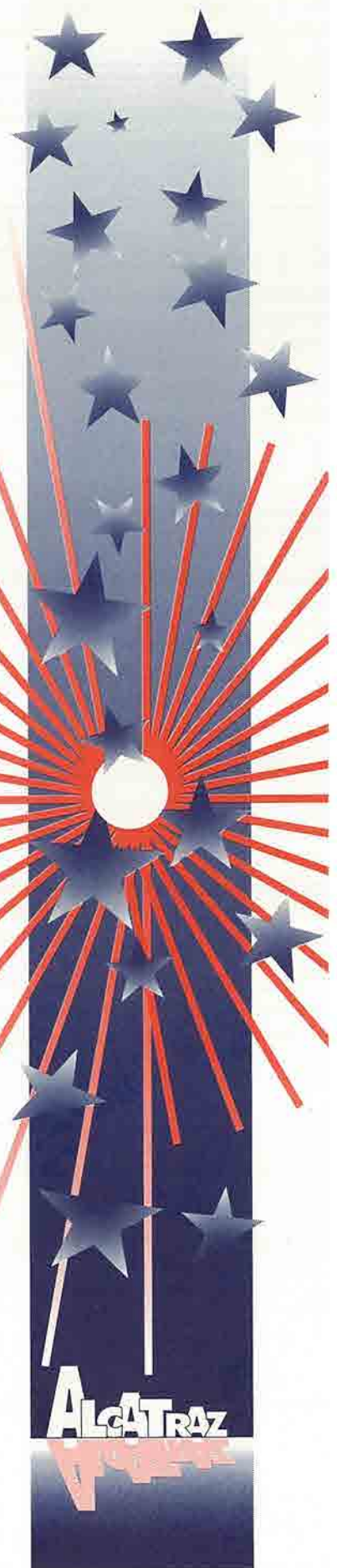
Second, fewer than ten per cent of the inmates were returned for reasons of misconduct in the prison to which they had been transferred from Alcatraz. Furthermore, a special follow-up of the post-Alcatraz conduct of the 250 inmates who had behaved badly enough to earn a trip to the island but were suddenly returned to other prisons when the decision was made to stop operations in 1963, indicates that few resumed their troublemaking ways, although they quickly maneuvered themselves into the best inmate jobs in the prison to which they were sent. (The Alcatraz staff, when asked if this evidence suggested that the inmates did not need placement in an Alcatraz type regime, uniformly responded that even a year or two on the Rock was sufficient to help prisoners 'get the message'.)


Third and perhaps most importantly, half of the Alcatraz inmates, all officially labeled as 'habitual, incorrigible' offenders, were not returned to prison after their release — a recidivism rate predicted by none of the more than 100 former Alcatraz inmates, officers, and administrators who were interviewed for this project. And, of those inmates who did come back to state or federal prisons as parole violators or with new terms, almost all stayed on the streets after their next release.

We know that most of you are thinking to yourselves 'how much of the explanation for these findings lies in the Alcatraz regime and how much lies in the only correctional experience that has been consistently proved effective — the aging process.' The Alcatraz Study indicates that both these factors worked together.

It is the case that most of the Alcatraz inmates were released when they were in their early 40's. But, interviews with the inmates who succeeded and with those who failed the first time they were released clearly indicates that these men came away from a penal setting in which they had been given plenty of time — with very few distractions — to think about their future prospects. As many inmates put it, 'for the first time in my life, I stopped running around.' A careful examination of the character of this group, and it should be emphasized that this is a special and atypical group of the entire federal prison population, shows them to be men with strong personalities who made decisions based on rational choice. They were not out-of-control automatons being buffeted about by powerful, unconscious, psychological forces and early childhood experiences or by social disadvantages over which they had no control. This study clearly indicates that the Alcatraz inmates had the time and the inclination, by virtue of the aging process, to start calculating the costs and benefits of both past and future misconduct and that even those who later failed clearly understood what went wrong with their resolve to avoid doing more time.

Having learned something about the consequences of confinement at Alcatraz, we now turn to the question of whether men from the Rock's successor, the US penitentiary at Marion, Illinois, appear to be reacting to their experiences living under a lockdown regime in ways that differ from their predecessors. Or, stated another way — are the same allegations about the damaging effects of a lockdown regime also incorrect?





At this point, David Ward wishes to note that this research reflects the willingness of the Bureau of Prisons to allow continued study by a university criminologist of its most controversial and highly publicized prison regimes and that the comparative study of the records of both the Alcatraz and Marion releasees now under way is being carried out by Ward and Thomas Werlich, Research Analyst at U.S.P. Marion. At this time only preliminary data based upon the experiences of the first 56 inmates to be released to the free world after confinement at Marion since the lockdown was imposed is available. But that data has produced a recidivism rate exactly the same as that found for the Alcatraz inmates — 50 per cent of Marion's 'career criminals' have so far not returned to prison. And, only two of the 28 inmates have been returned for committing assaults against persons; the most frequent reason for their return has been for drug and alcohol abuse. The Alcatraz follow-up has the advantage of looking at the post-release conduct of more than 500 inmates for many years and the experience of the Marion study group will become clearer with the passage of time and as the size of the study population increases, but it should be noted that other recidivism studies indicates that most failures occur during the first 36 months after release, a time period that does apply to the Marion releasees.

In regard to the other questions that relate to the impact of confinement under a 'lockdown' regime we can also report that assessment of the mental health of the inmates conducted by a psychiatrist from the best known psychiatric clinic in the United States — the Menninger Foundation — produced expert testimony in a federal court hearing on the conditions at Marion that no significant deterioration was evident. Fewer than five percent of the inmates have, since 1983, been transferred to the federal medical center for psychiatric reasons. An important finding for Bureau staff, and for inmates, is that all but 12 of the 450 men confined at Marion when the lockdown began have been

transferred to other prisons and none of them has been returned for seriously injuring or killing an employee and only one has been returned for killing another prisoner. At Marion itself which experienced 26 inmate and three staff murders and hundreds of assaults on both staff and inmates prior to the imposition of the lockdown, only five inmates (in the more open pre-transfer units) and no employees have died violently over the past 10 and a half years. Finally, Bureau of Prison figures indicate that rate of assaults and killings in other federal prisons showed a decrease which has continued since indefinite administrative segregation became the program at U.S.P. Marion.

In super-max or 'maxi-maxi' prisons in the United States where the maintenance of order has become the principal goal, Marion has been clearly successful in reducing violence and its success can be measured by the fact that 36 state departments of corrections have now established 'Marion type' regimes in at least one of their prisons. But, success in controlling violence directed toward staff and other prisoners has not eliminated the controversy and the concerns that have been raised by inmates and special interest groups over the past six decades in regard to the federal government's super-maximum custody prisons. The unusual problem that this state of affairs poses for correctional administrators and staff is how to deal with criticisms of regimes for which there is strong evidence that they have proved to be successful.

One issue that invariably arises in regard to the government's most dramatic and thus most intriguing penitentiaries is whether or not the media should have access and be allowed to interview inmates. During the 30 years that Alcatraz was in operation, the Bureau of Prisons had a firm policy that included the press from even visiting the island and from having any contact, even through correspondence or by telephone, with any inmate or employee other than the

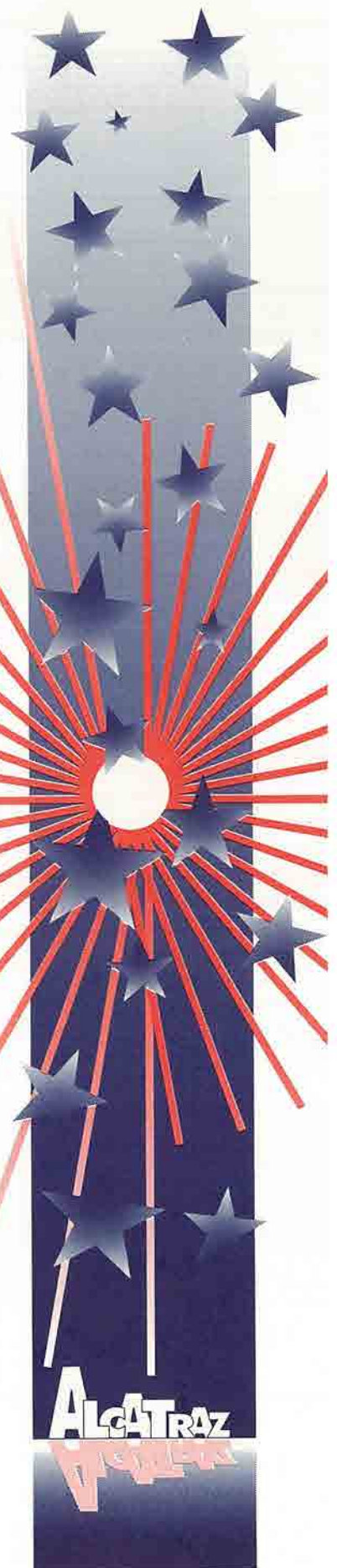
warden (who met the press in an office in a federal building on the mainland). The result was that news reporters became even more determined to find out what was really happening on 'The Rock' and were forced to rely for their sources of information on rumours, occasional leaks or comments by staff, but primarily on the sensational accounts of former inmates. Not surprisingly the prisoners told the media what they wanted to hear — that all sorts of gross physical and psychological abuses were being routinely inflicted on the hapless convicts locked up on 'America's Devil's Island'. Throughout its existence, Alcatraz was continually in the news as a result of the media's speculation and periodic reports of events, such as escape attempts, strikes, protests, and the occasional trials of prisoners in the federal court in San Francisco for crimes committed on the island. Most of these stories were highly inaccurate but they became a major factor in shaping the public's perception of the institution and the staff who worked there. The policy of making absolutely no responses to press inquiries, not even to corrections of misinformation, and the denial of access to the prison for all but government officials helped to create the image of Alcatraz that has led Hollywood to make 14 movies to date about the prison and prompted the press to generate countless articles and stories, all of them critical of Bureau of Prison policy and practices at a prison that held less than one per cent of the federal prison population.

During the early 1970's, the Bureau reversed the press policy and began routinely allowing reporters to tour institutions and to interview inmates. While Marion continues to receive an inordinate amount of attention from the media and has been the subject of a considerable amount of negative publicity, the allegation can no longer be made that the prison and its staff are attempting to 'cover up' or hide conditions when any inmate who agrees may be interviewed. Despite accounts by

prisoners that the staff regard as incorrect, distorted, or misleading, federal correctional administrators agree that the open press policy has been beneficial in terms of more accurately portraying to elected officials, to other criminal justice administrators, and to the general public what goes on behind the walls of the federal government's best known penitentiaries.

Another important factor that did not apply at Alcatraz is that since the mid-1960's federal district courts have played a major role in determining the basic conditions of living in all prisons, state or federal. U.S.P. Marion has been the subject of several cases brought by inmates and outside support groups which have alleged that 'conditions,' particularly under the lockdown regime, violate their constitutional rights to be protected from cruel and unusual punishment. In a recent case in which a group of inmates contended that the lockdown constituted cruel and unusual psychological punishment, the federal court after a lengthy hearing of much testimony from the inmate and government sides ruled that 'indefinite administrative segregation' did not violate the inmates rights. Here again review by an outside agency of prison operations helped to provide public information, including the staff's testimony about prison life and problems, and working conditions for them, has not negatively impacted operations.

An important challenge in managing 'super-max' prisons relates to staff, particularly correctional officers. Working under a lockdown regime with this particular collection of prisoners is an inherently stressful experience which can be both dangerous and intimidating. For that reason, correctional administrators must constantly be alert to staff morale, to the possibility of burnout, and to the development of unprofessional behavior. Unless well-trained and closely supervised, employees may respond to threats and violence by using inappropriate amounts of force when





confronting disruptive inmates. One way in which administrators at Marion and at other federal correctional institutions attempt to control these types of staff inmate interaction is the requirement that videotaping be called for when a potential confrontation between officers and inmates appears likely; for example, the forced cell move of a resistant inmate. Years of experience at Marion has demonstrated that videotaping these incidents tends to insure that staff follow carefully drawn policies and procedures when using force. In addition, the tapes can serve as evidence if an inmate alleges that he was abused by staff and they are available for viewing by news reporters, other government officials, and for staff training purposes.

If high security prisons are to have credibility with the public, the media, and with legislators and the courts, procedures must be developed to insure that only those few inmates in the entire system who require truly maximum control are transferred there. In addition, the classification and transfer process has to provide a mechanism for each inmate to be reviewed regularly so that he can be returned to a standard prison setting as soon as possible. Unless such a process is in place, there will be little inmate turnover and the high security facility will have no space for the small, but always emerging group of prisoners who are working their way up to Marion through the disciplinary segregation units of standard federal penitentiaries. High security prison staff tend to be suspicious of good inmate behavior ('he's just lying in the weeds or he's just trying to get us to relax') as well as bad behavior and are not inclined to believe that any inmate has changed his behavior for the better. Such views would not result in many recommendations for transfer if staff opinion was the only criterion.

The Federal Bureau of Prisons attempts to insure confinement at Marion is for a specific time and purpose by delegating transfer authority to the director of the

regional office which includes Marion and numerous other penitentiaries under its jurisdiction. Inmates transferred for control purposes are given an anticipated transfer date out of Marion shortly after they arrive. Unless they become involved in further disruptive behavior, they will progress from lockdown status to an intermediate housing area and ultimately to a unit having congregate activities prior to being transferred to other prisons.

Without question, the operation of a high security prison such as Marion places a number of pressures on correctional administrators. As indicated, these institutions generate a significant amount of local, regional, and national media attention. In order to accurately respond to requests for information, it is important that governors/wardens assigned to these facilities have the ability to relate to the press and other groups in an open and forthright manner. By accurately presenting the institution's response to negative charges and claims administrators can have a positive impact on staff morale — someone speaks for them and their concerns — as well as helping communication with the local community.

Despite the problems, particularly the public relations problems that these special regimes produce they have proved to be an essential element of correctional policy in American prisons. While it may seem somewhat ironic that correctional administrators must spend time defending practices that have proved to be highly successful, this situation reflects the ambiguity in American thinking that brings its traditional suspicion of the government's exercise of its power into conflict with the increasingly popular view that when offenders are locked up, it should not be in 'a country club' and that the keys to their release should be thrown away.

This paper was presented at the Prisons 2000 Conference at the University of Leicester in April 1994.