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Supermax Prisons

Myths, Realities, and the Politics of Punishment in American Society

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In recent years, a number of new policies in corrections have developed, one of which is the placement of disruptive inmates in supermaximum, or supermax, prisons. The extant empirical research on supermax facilities suggests that these institutions have the potential to damage inmates' mental health while failing to meet their purported goals thereby resulting in added problems for correctional administrators and increased economic costs to public budgets without apparent benefits. As a result, one has to ask why supermax prisons are so popular. This article explores changes that have occurred in penal thought, policy, and practice in the United States in the last 3 decades that contributed to the increase in popularity of supermax prisons. Existing research suggests that these prisons are a prime example of the shift in cultural sensibilities in American society toward greater punitiveness.

Keywords: *supermax; American penal policy; solitary confinement*

Since the 1970s, the United States's correctional system has undergone dramatic changes. Prison populations have skyrocketed in response to changing sentencing policies, such as the mandatory sentences implemented during the War on Drugs, and increasing crime rates (Joyce, 1992). These changes contributed to numerous problems within correctional facilities such as overcrowding (Wooldrege, 1996) and violence (Wooldrege, Griffin, & Pratt, 2001). In the face of inmate violence, lawsuits, federal oversight, and other problems, prison administrators sought new means for addressing these issues (Haney, 2003), one of which was the placement of violence-prone and disruptive inmates in supermax¹ facilities or units. The growing popularity of these facilities made them "one of the most dramatic features of the great American experiment with mass incarceration during the last quarter of the 20th century" (King, 1999, p. 163).

The National Institute of Corrections (NIC, 1997) defined supermax prisons as follows: “free-standing facilities, or a distinct unit within a facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously disruptive behavior while incarcerated” (p. 1). The general purpose of these facilities is to increase control over inmates known to be violent, assaultive, major escape risks, or likely to promote disturbances in the general prison population (NIC, 1997; Riveland, 1999). Prison administrators achieve this goal by confining inmates to their cell for 22 or 23 hours a day and by limiting human contact to instances when medical staff, clergy, or a counselor stops in front of the inmate’s cell during routine rounds. The rationale behind these practices is to segregate the most dangerous inmates to protect prison staff and the inmates in the general prison population. Furthermore, proponents of supermax prisons assert that the harshness of these institutions deters other inmates from committing criminal acts inside prisons (Angelone, 1999; Fellner & Mariner, 1997).

The number of supermax institutions in the United States has grown from 1 facility in 1984, the Federal Penitentiary at Marion, Illinois (King, 1999; Kurki & Morris, 2001), to approximately 60 facilities in 1999 throughout more than 30 states in the country (King, 1999; NIC, 1997). At the end of 1998, about 20,000 inmates, or 1.8% of those serving sentences of 1 year or more in state and federal prisons, were housed in such facilities (King, 1999).

Despite the spread of supermax institutions over the past 20 years, little research has addressed the effect that placement of inmates in supermax prisons has on their behavior, the administration of correctional institutions, and the community (Kurki & Morris, 2001). Most of what is known, or can be inferred, about supermax facilities comes from research on the effects of isolation on inmates’ behavior, which suggests that supermax facilities may damage inmates’ mental health while failing to meet their purported goal of reducing violence and other problematic behavior within the general prison population (Pizarro & Stenius, 2004). Rather than serving as a panacea for dealing with problematic inmates, supermax institutions may contribute to problems for correctional administrators and increase economic cost to the community without apparent benefits (see Barak-Glantz, 1983; Brodsky & Scogin, 1988; Cullen, 1995; Grassian, 1983; Miller, 1994; Paternoster, 1987; Scott & Gendreau, 1969; Sherman, 1993), especially once inmates are released back into their communities or into the general prison population.

Given the potential for increasing costs, both fiscal and human, it is important to consider why supermax prisons have become so popular in the United States during the last 2 decades. This article explores changes in penal policy, the politics of punishment, and the economics of crime control in the United States that help to explain why supermax prisons gained widespread support in recent years. A review of the penology literature suggests that supermax prisons gained support during recent years because of changes in the ideologies that drive corrections. Supermax prisons represent an ideology of toughness and efficacy that concurs with recent changes in penal policy and thought. This ideology is based on certain myths—in particular, the myths of novelty, public safety, and managerial efficacy—and not realities. We propose that

these myths have contributed to the adoption of supermax prisons by many jurisdictions because they create a false, yet persuasive, perception that these institutions offer a tough new form of punishment that acts as an efficient tool for managing inmates while at the same time protecting society.

Changes in American Penal Culture and Policy

During the last 30 years, there have been numerous changes in penal policy. The changes that took place do not just reflect an increase in the prison population, which has been substantial, but reflect shifts in how the public, policy makers, and correctional administrators think about and respond to crime and offenders (Garland, 2001). Garland (2001) and other penologists (Ambramsky, 2002; Feeley & Simon, 1992; Gonnerman, 1999; Roberts, Stalans, Indermaur, & Hough, 2003) attribute the shifts in penal policy to factors such as the decline of rehabilitation as a guiding philosophy for corrections, changes in the goals of the penal institution, the politicization of crime control, and the commercialization of prisons. Together, these changes prompted the shift in penal discourse and the politics of punishment we see today (Ambramsky, 2002; Garland, 2001). These new politics of punishment created an environment in which supermax prisons are seen as both necessary and acceptable.

Decline of Rehabilitation

Although numerous factors contributed to the loss of faith in rehabilitation in the 1970s, Martinson's (1974) infamous review, which has been misread by most to indicate that nothing works in rehabilitation, provided an argument against rehabilitation not only for policy makers and practitioners but also for scholars who began reevaluating the goals of punishment. The reevaluation of rehabilitation created opportunities for other penal philosophies, culminating in the emergence of just deserts (von Hirsch, 1976) as the leading penal goal in the United States (Bottoms, 1995; Garland, 2001) as well as a greater emphasis on deterrence and incapacitation. Although just deserts sought to ensure proportionality with a minimal level of punishment, the focus on desert and blameworthiness reestablished the legitimacy of a retributive discourse and increasingly punitive responses to crime (Garland, 2001). This occurred as penal policy became less concerned with achieving crime reduction through individualized sentencing and focused increasingly on fitting the punishment to the crime as prescribed in just-deserts theory. Within this structure, offenders' social situations (e.g., poverty, lack of opportunity) were of minimal significance. People who broke the law were no longer seen as victims of the system (or society) that, with treatment, would change for the better. Instead, offenders were seen as blameworthy and deserving of punishment because they broke the law.

Retribution was not the only philosophy that received attention during this time. Deterrence, as an extension of just deserts and justification for the imposition of pun-

ishment, received considerable attention (Blumstein, Cohen, & Nagin, 1978). Unlike just deserts, deterrence is not based on punishing offenders because they committed a crime but on punishing for the sake of demonstrating to offenders and the general population that criminal behavior comes at a cost and should not be engaged in (Beccaria, 1764/1994; Bentham, 1789/1992; Zimring & Hawkins, 1973). Incapacitation was also the subject of extensive review (Blumstein et al., 1978). Work on selective incapacitation, which attempts to identify habitual offenders who commit serious crimes (usually violent), in the late 1970s and early 1980s (Greenwood, 1982) influenced thinking about sentencing with attempts to reduce crime by identifying and incarcerating the worst offenders (Auerhahn, 1999). In contrast to just deserts, selective incapacitation does not concern itself with blameworthiness but with minimizing future offending. The logic of selective incapacitation mirrors that of rehabilitation, in some ways, by focusing on keeping the individual imprisoned until the period of dangerousness has passed. Although often in conflict with the tenets of just deserts as outlined by von Hirsch (1976), incapacitation has been coupled with a more retributive conception of desert in which certain offenders are seen as unredeemable and face lengthy or life sentences whether in prison (i.e., three-strikes laws) or through community-based sanctions (i.e., lifetime registration for sex offenders with potential for civil commitment).

In the absence of rehabilitation as a primary aim in corrections, prisons have acquired a different reason for being. The prisons of today are intended to punish offenders, prevent them from committing new offenses, and deter others from engaging in criminal behavior. Within this context, supermax institutions are a natural extension of a correctional environment that has lost faith in rehabilitation and seeks the most expeditious means of dealing with problematic behavior. Just as the public seeks to remove and punish those deemed dangerous for the sake of public safety, prison officials seek to remove dangerous inmates to enhance prison safety. Placement in these facilities purportedly depends on desert (as measured by dangerousness within the general prison population) and the desire to control the disruptive behavior of inmates for whom rehabilitation or less restrictive means of control are not seen as being viable options. In essence, administrators engage in selective incapacitation and deterrence of troublesome or potentially troublesome inmates by placing them in supermax facilities.

Changes in the Goals of Incarceration of Penal Institutions

New managerial styles and policies accompanied the changing criminological thought regarding the treatment of offenders. Feeley and Simon (1992) coined the term *new penology*, which refers to a new management style in corrections that focuses on managing risk. The new penology is not concerned with responsibility, fault, moral sensibility, diagnosis, or intervention and treatment of offenders but with techniques to identify, classify, and manage groups sorted by levels of perceived dangerousness (Feeley & Simon, 1992). The increased emphasis on the effective manage-

ment of prisons influenced sentencing policies and practices through the development of sentencing guidelines (Bottoms, 1995; Marvell, 1995; Tonry, 1987) and selective incapacitation (Feeley & Simon, 1992) as well as the operation of prisons through increases in the bureaucracy of the institutions and risk management (Bottoms, 1995; Feeley & Simon, 1992; Johnson, Bennett, & Flanagan, 1997).

Supermax institutions fit directly under the purview of the new penology, notably in regard to the actuarial aspect of prison management, which focuses on “identifying and managing unruly groups” (Feeley & Simon, 1992, p. 455). Supermax prisons were created specifically to manage risk. In fact, the NIC (1997) defined supermax prisons as “institutions that provide for the management and secure control of inmates” (p. 1). Furthermore, the inmates in supermax prisons are not those who committed the worst crimes in society. Instead, the inmates placed in supermax facilities are those whom correctional staff believes are a threat to the safety, security, or orderly operation of the facility in which they are housed (NIC, 1997; Riveland, 1999). The threat that correctional staff believes an inmate presents to the institution can be based on real, tangible facts or simply their perceptions. Correctional administrators assert that placement in a supermax institution is not a penalty but an administrative decision based on a pattern of dangerousness or unconfirmed but reliable evidence of pending disruption (e.g., the prisoner is a leader or member of a gang or other radical movement; Committee to End the Marion Lockdown, 1992; Riveland, 1999). The placement of inmates in these institutions is deemed acceptable as part of the new conventional management style in corrections.

The Politicization of Crime Control

Beginning in the 1970s, sentencing (and time served), which was once under the purview of judges, correctional administrators, and parole boards, became an increasingly political issue as legislators gained more control over sentence lengths and other sentencing policies. What began as a bipartisan effort to reduce disparity and increase proportionality in sentencing established a system in which politics and public fear of crime could alter sentencing policies. The War on Crime and War on Drugs politics created a punitive climate in most states in which being tough on crime became essential for political success (Benekos, 1992; Sentencing Project, 1989).

Public fear of crime, which became a major issue in contemporary society (Glassner, 2000; Krisberg, 1994), was central to the increasing politicization of crime. Although fear and perceptions of crime do not necessarily coincide with the crime rate (Baker, Nienstedt, Everett, & McCleary, 1983), perceptions are what matter to the public and frequently to policy makers. The perception that violence increased, regardless of actual violence, resulted in demands for more punitive actions from the government and the passage of harsher sentencing laws, many of them requiring mandatory sentences for specific offenses. The rise in fear of crime and media attention to crime issues along with some very well-known incidents contributed to an increased emphasis on protecting society, which made it more acceptable, if not mandatory, for policy makers to embrace punitive policies (Bottoms, 1995; Garland, 2001).

Policy makers used public opinion to justify the development of increasingly punitive policies. They argued that the public wants offenders to serve longer sentences under harsher conditions (Applegate, Cullen, & Fisher, 1997; Flanagan, 1996; Roberts & Stalans, 2000; Roberts et al., 2003). Putting aside the question of whether public opinion should drive public policy (Dewey, 1927/1954; Lippman, 1922/1997), it nevertheless played an increasing role in justifying get-tough crime policy since the mid-1970s. Law-and-order proponents cited public opinion polls to support their positions and legislation, usually interpreting public opinion as more punitive than it actually is (Applegate et al., 1997; Applegate, Cullen, Turner, & Sundt, 1996; Beckett, 1997; Bottoms, 1995; Flanagan, 1996; Roberts & Stalans, 2000; Roberts et al., 2003).

With the prioritization of public protection, responses to crime necessarily changed. As Garland (2001) wrote, "Today, there is a new and urgent emphasis upon the need for security, the containment of danger, the identification, and management of any kind of risk" (p. 12). This holds true both inside and outside the prison walls. Outside of prison, the typical response to getting tough on crime and securing society has been longer sentences for those convicted. Toughness, however, is not limited to the duration of punishment but surfaces in the desire to make the conditions of confinement harsher thus providing inmates with fewer rewards and amenities (Johnson et al., 1997; Schlosser, 1998). In recent years, support dropped for prison amenities ranging from weight-lifting equipment to federal Pell Grants for college courses (Schlosser, 1998; Worth, 1995). Supermax prisons represent the extreme case: total deprivation. Inmates housed in these facilities enjoy none of the amenities that inmates in other prisons have available to them and seem to correspond well with the apparent public mood.

The Commercialization of Crime Control

The commercialization of crime control also contributed to the shift in penal policy in the United States by promoting prisons as a viable part of the economy, especially in impoverished rural areas. The commercialization of crime control opened the door for policy makers seeking local support from citizens. The promise of a new prison is one means of getting support from the electorate in economically distressed areas. At the state or national level, these facilities represent safety; at the local level, they offer much-needed job opportunities in depressed rural areas where previous industries have shut down or operate at a minimum level ("Full Employment Prisons," 2001; Gonnerman, 1999; Mark, 1996; Massing, 2001). In recent years, the fight over where to place new prisons switched from "not in my backyard" to "in my backyard, please," as impoverished rural areas value the jobs that accompany prisons more than they devalue having the prison in their communities. Now communities bid against each other in an effort to bring new prisons to their areas (Mark, 1996). In areas where jobs and votes go together, policy makers have a vested interest in helping bring prisons into the areas that they represent.

Given the newness of supermax facilities, their presence generally means new prison construction, which means temporary jobs for those building the prison and

long-term jobs for those working there or providing support services. Once constructed, an economic and political incentive exists to ensure usage of the facilities. A community dependent upon a prison for employment for a large section of its population is likely to support policy makers who take steps to ensure the continued operation of the facility. Correctional officer unions may also exert political pressure for continued use and expansion of prisons (Schiraldi, 1994).

Myths and Realities of Supermax Prisons

The image of supermax prisons as innovative, tough, and efficient concurs with current penal policy not only because the United States has adopted a retributive philosophy but also because these institutions fall under the paradigm of the new penology and they bring money to economically depressed communities. This image of supermax prisons, however, is founded on three myths: the myth of novelty, the myth of public safety, and the myth of managerial efficacy, all of which have promoted the spread of these institutions. These facilities seemingly present a new approach to punishment by emphasizing isolation. Furthermore, they appear to house the worst of the worst thus providing the public and prison administrators with an additional sense of safety and retribution. The reality of supermax institutions is, however, a different story.

Myth of Novelty

One of the premises that contributed to the increase in popularity of supermax facilities is that these institutions present a new form of punishment—total isolation—to deal with problematic and violent inmates. Proponents of supermax prisons assert that the new type of punishment that is carried out in these institutions is effective in deterring future deviant behavior in the general prison population (Angelone, 1999). The reality of supermax prisons is that these prisons do not present a novel form of punishment. The use of solitary confinement, the primary feature of supermax institutions, has been used since the development of prisons (Stickrath & Bucholtz, 2003) and was considered the only desirable method of penal reform in 1787 by the Philadelphia Society for Alleviating the Miseries of Public Prisoners (Colvin, 1997). Segregation was central to the operation of the first penitentiaries where solitude was seen as the means for inmates to reflect on their crimes and repent (Colvin, 1997; Riveland, 1999).

Isolation continued as a primary means of reforming prisoners until the late 1800s when it was abandoned in part because of the harmful effects it had on inmates' psychological health. In 1890, the U.S. Supreme Court ruled that the main features of solitary confinement were too severe, because solitary confinement caused inmates to become violently insane (*In re Medley*, 1890). As a result, solitary confinement was adopted solely as a tool to temporarily discipline disruptive inmates. As such, it became, and continues to be, the most common disciplinary action taken against inmates exhibiting disruptive behavior (Dowker & Good, 2002). This method differed

from the original solitary confinement practices, because inmates would only serve, based on the seriousness of their violation, a determinate amount of time. Despite the lessons learned in the 1800s, corrections administrators once again embraced indeterminate solitary confinement policies with the advent of the supermax institution in the 1980s (although under a different rationale).

Myth of Public Safety

The claims by prison administrators that supermax prisons house the worst of the worst inmates is one of the biggest selling points of these institutions, because it provides the public and prison administrators with an additional sense of safety (Alarid & Cromwell, 2002). The reality of supermax prisons, however, is that these assertions have not been demonstrated empirically and that they are based on speculations (Haney, 2003; Kurki & Morris, 2001). Although it is true that supermax prisons can temporarily alleviate prison violence through the incapacitation of problematic inmates, the long-term effects of supermax institutions on inmates potentially contribute to future violence by contributing to mental illness and decreasing inmates' level of social functioning (Haney, 2003; Pizarro & Stenius, 2004).

Supermax prisons also fail to enhance public safety, because the inmates housed in these facilities are not necessarily the most dangerous for the general public. Contrary to popular belief, inmates placed in these institutions are not those who committed the worst crimes in society but those whom correctional staff deem as a threat to the safety, security, or orderly operation of the facility in which they are housed (NIC, 1997; Riveland, 1999). Placement in a supermax institution is not a penalty but an administrative decision based on a pattern of dangerousness. Their primary function is to provide institutional (e.g., prison) safety, not public safety (Wells, Johnson, & Henningsen, 2002).

Additionally, the ideology of public and institutional safety surrounding supermax prisons is a myth, because research demonstrates that not all inmates housed in these institutions have committed violent acts *within* prisons. Wells and his colleagues (2002) found that supermax facilities also house inmates who violate institution rules, are in protective custody, or are alleged to belong to a gang. Some jurisdictions house mentally ill inmates in supermax facilities because of a lack of mental health resources in regular maximum-, medium-, and minimum-security prisons (NIC, 1997; Randolph, 2004). Furthermore, some of the jurisdictions that operate supermax facilities indicate that they use these institutions to house inmates on routine segregation (e.g., discipline, protective custody, and program segregation) during shortages of segregation beds in regular facilities (NIC, 1997).

Regardless of the reason for placement in a supermax institution, most inmates placed there will one day return to society or to the general prison population. In 22 jurisdictions, inmates can complete their court-ordered sentence while in a supermax institution (NIC, 1997). Only six jurisdictions surveyed by the NIC indicated that inmates placed in supermax prison go through a transitional program (e.g., move inmates from supermax prison into a maximum-security prison, let inmates partici-

pate in-group activities, place inmates in institutional jobs) before they are released into society or the general prison population. With few exceptions, inmates coming from supermax institutions find themselves returned to their communities after spending several years with minimal human contact.

Releasing inmates from supermax prisons straight into society or the general prison population poses a threat to public safety, because supermax institutions have the potential to damage inmates' mental health (Haney, 2002, 2003). Research on inmates placed in solitary confinement and highly restricted environments (such as supermax prisons) suggests that isolation contributes to psychological and emotional problems (Brodsky & Scogin, 1988; Grassian, 1983; Grassian & Friedman, 1986; Haney, 2002, 2003; Miller, 1994; Scott & Gendreau, 1969). Kupers (1996) argued that inmates placed in an environment as stressful as that of a supermax prison begin to lose touch with reality and exhibit symptoms of psychiatric decomposition including difficulty concentrating, heightened anxiety, intermittent disorientation, and a tendency to strike out at people. Similarly, Korn (1988) noted that conditions in control units, such as supermax units or facilities, produce feelings of resentment, rage, and mental deterioration. Consequently, supermax prisons potentially endanger society, beyond any criminogenic effects of regular imprisonment, if inmates housed in such facilities deteriorate mentally or become more hostile, violent, or prone to commit offenses than if they had served their sentence in the general population. The deprivation of human contact undermines the ability of inmates released from supermax facilities "to cope with social situations again" (Dowker & Good, 2002, p. 228).

Myth of Managerial Efficacy

The final myth surrounding supermax prisons is that they contribute to the effective management of the prison population. In accordance with the new penology, prison administrators assert that supermax prisons are effective management tools because they serve as a general deterrent within the correctional population—that their presence leads to effective prison management because they curb violence and disturbances within penal institutions (King, 1999; Riveland, 1999). Some jurisdictions even assert that supermax facilities helped significantly reduce the number of assaults on correctional officers, and their existence provides a deterrent to gang members and inmates who endanger prisoners and correctional staff (Angelone, 1999). There is, however, no empirical evidence to support this (Kurki & Morris, 2001). Like the assertion that supermax prisons provide safety to the public and the general prison population, the assertions of the managerial efficacy of supermax prisons are based on speculation. One recent study of supermax facilities in Illinois, Arizona, and Minnesota found that the opening of a supermax facility in these jurisdictions did not reduce the levels of inmate-on-inmate violence (Briggs, Sundt, & Castellano, 2003). Out of the three jurisdictions that were studied, they found that only in Illinois did the opening of a new supermax facility coincide with reductions in assaults against staff. The authors, however, are reluctant to attribute this decrease to the supermax facility because of numerous confounding factors. For example, the Illinois Department of Corrections

changed its policies regarding the control of inmates as well as organizational management and staffing after opening the supermax facility (Briggs et al., 2003).

In the absence of more empirical studies, criminological research on deterrence theory offers some insight into the likely consequences of the operation of supermax facilities on violence in other prisons. Contrary to the assertions of proponents of supermax institutions, deterrence theory suggests that instead of curbing violence and disturbances, supermax prisons may exacerbate these problems. Deterrence may occur at the general or individual level (Zimring & Hawkins, 1973). Given that inmates placed in supermax facilities rarely return to the general population, individual deterrence is not an issue. The purported deterrent mechanism for supermax prisons operates through general deterrence. In theory, general deterrence occurs as individuals observe the imposition of the threatened punishment on others or solely by the knowledge that a given behavior carries a given punishment. This theory asserts that if punishment is distributed with certainty, adequate (and appropriate) severity, and celerity, rates of offending should be low (Beccaria, 1764/1994; Bentham, 1789/1992). For deterrence strategies to be effective, offenders must not only be aware of the sanctions, but they must also believe that they will get caught and punished with the threatened sanction. What is important in the efficacy of sanctions as deterrents is not their actual certainty or severity but individuals' perceptions of certainty and severity (Paternoster, 1987).

It is unlikely that the certainty of punishment through placement in supermax facilities serves as a deterrent, because placement in these facilities is relatively rare. Furthermore, placement in these facilities is often based on administrative decisions using risk factors over which the inmate has little control (Riveland, 1999; Toch, 2001). Twenty-two jurisdictions have specific criteria for placement in a supermax prison, yet the criteria are not always followed (Morris, 2002; NIC, 1997). As a result, the perceived certainty of placement in supermax facilities is likely to be low among the general inmate population and become increasingly so as inmates engage in, and observe, disruptive or violent behavior that does not result in placement in a supermax institution.

Experiential effects suggest that threatening inmates with placement in supermax institutions for specified behavior and then failing to do so may actually increase problematic behavior (Claster, 1967; Jensen, 1969; Paternoster, 1987). Additionally, increasing the severity of the punishment has generally been found to be a less effective means of achieving deterrence than increasing the certainty (Zimring & Hawkins, 1973). The argument that the severity of supermax confinement acts as a deterrent does not find support in the deterrence literature, especially if inmates question the certainty of such confinement for violent or disruptive behavior.

Appearing Tough on Crime—Selling the Myths

In 1968, Herbert Packer identified the now classical distinction between the crime control model and the due process model in criminal justice. The due process model reflects the focus on individual rights that was so evident in the 1960s as the U.S.

Supreme Court increasingly focused on the rights of the accused. The politicization of crime, beginning with Nixon's adoption of the law-and-order stance, marked a switch to the crime control model. The politicization of crime increased until it was a major focal point for many election campaigns and political agendas (Marion, 1995). Coupled with the decline in faith in rehabilitation and the spread of mass media, notably television (Leff, Protes, & Brooks, 1990), into homes across the country, crime became a salient issue for all citizens regardless of personal experience as victims or offenders. Crimes occurring on one coast of the country became part of the media and political focus on the other coast (Surette, 1996). The national spread of three-strikes and Megan's laws in the 1990s exemplifies this phenomenon (Roberts et al., 2003). Local and state outrage at specific incidents led not only to increasingly punitive changes in law at the state level but also at the national level as the federal government enacted similar laws. The federal government created economic incentives for states to follow suit thus increasing the enactment of these laws at the state level. Initially a Republican issue, crime became part of the Democratic agenda as President Clinton got on the get-tough bandwagon with the passage of the 1994 Omnibus Crime Control Act (Houston & Parsons, 1998). Within this political environment, conservatives and liberals alike tried to appear tough on crime.

A popular means of appearing tough on crime was to demand harsh mandatory sentences for certain types of offenders while avoiding policies seen as being soft on crime or coddling inmates within the prison (Johnson et al., 1997; Roberts et al., 2003; Worth, 1995). Although supermax facilities represent a very small part of the correctional population, they have characteristics that have appealed to voters in recent years. Supporting these facilities allows policy makers to appear tough on crime while selling the myths to which the general population can readily relate. Embracing supermax prisons represents the ultimate rejection of prisons that coddle offenders while purportedly (a) offering a novel approach to enhancing public and institutional safety, (b) punishing the most dangerous offenders more severely and keeping them securely locked up, and (c) increasing managerial efficacy by deterring violence within other facilities. Safety is likely to provide the most salient argument for the public. As noted earlier, these selling points are more myth than reality, although within the political landscape, myths may serve equally well as political capital if people take them for fact (Roberts et al., 2003). If people believe that supermax facilities house the worst of the worst, punishing and providing safety simultaneously, then support for these facilities is likely to continue.

Conclusions and Implications for Future Research

Despite the lack of empirical evidence of the effects that placement of inmates in supermax prisons have on their behavior, penal institutions, and the community, supermax prisons have dramatically increased in popularity during recent years. As Massing (2001) pointed out, it seems that "everybody wants one" (p. 1). The most

recent survey on the number of current operating supermax facilities (King, 1999) reports that 34 states and the federal government are currently operating a supermax facility or unit and that 4 other states are either considering the need for a supermax or were actively pursuing construction funds in 1999. Research in penology suggests that the reason for the increase in popularity of the supermax is the shift in the politics of punishment and penal policies that have occurred in the United States during the past 30 years. During the past 3 decades, the United States has experienced a shift in the purpose of the prison: the decline in the rehabilitation ideal and the adoption of a retributive discourse that emphasizes managerial efficacy and controlling the unruly. The image of supermax prisons concurs with this penal ideology.

Supermax prisons emerged within a social, political, and correctional culture focused on punitive responses to crime and the need to manage large numbers of individuals. The lack of knowledge about the purpose and operation of these facilities provided politicians with myths that work well in a political environment intent on being tough on crime. Within this context, developing policies portrayed as improving public safety was one means of gaining votes. On the surface, supermax facilities represent the ideal prison for a public that desires a harsh and punitive environment. It was politically safe for politicians to support and promote supermax prisons because of the image that they portray. Furthermore, economic distress in rural areas ensured that supermax facilities did not have to contend with resistance from citizens not wanting prisons in their neighborhoods. Now that the facilities are built and providing steady jobs, support for them is likely to continue, at least at the local level (although state budget deficits may restrict their use).

At the state and national levels, crime is not the concern that it was a few years ago (Turner & Willhelm, 2002), having been replaced by concerns about terrorism and the economy. The future of supermax facilities is uncertain, especially given state budget shortfalls, numerous changes in sentencing laws, and recent court rulings that affect the placement of inmates in prolonged solitary confinement (Haney, 2003; Turner & Wilhelm, 2002).² Some of these changes reflect differing views on how to deal with offenders, whereas others stem from fiscal crises. Regardless of what other changes take place with the prison system and penal policy, supermax facilities represent an area in need of research. Future research on supermax prisons should try to uncover the effects that these institutions have on the behavior of individual inmates: It is necessary to examine more systematically whether supermax prisons damage inmates' mental health. Furthermore, there is a need for more research on the general deterrent influence these institutions have, or do not have, on the general prison population. Future research should also focus on the implications these institutions have for reoffending and other community concerns (i.e., employment, need for mental health services, homelessness) as inmates housed in these facilities are released from prison. In terms of corrections departments and institutions, future research should focus on how these institutions affect the overall policies of corrections departments. In addition, future research should focus on the impact that these institutions have on the staff that works there. Finally, researchers should also focus on the cost-effectiveness of these institutions. These areas are worthy of future academic inquiry, because given

the high costs of operation and potential for harming inmates, staff, and the community, continued operation of supermax facilities needs justification based on empirical evidence, not anecdotes, regardless of the current penal culture in American society.

Notes

1. Academics and practitioners refer to these institutions as supermax prisons. Practitioners, however, depending on the jurisdiction, also use different terminology to refer to these units and facilities. Practitioners also call these institutions administrative segregation, administrative maximum security, closed maximum security, control unit, high security, restrictive housing, secured housing unit, special management, and maxi-maxi (Alarid & Cromwell, 2002).

2. In recent years, federal district courts have prohibited the use of supermax confinement for certain prisoners, such as those who are mentally ill and those likely to become mentally ill under the conditions imposed in supermax prisons (see *Jones v. Berge*, 2001; *Madrid v. Gomez*, 1995; *Ruiz v. Johnson*, 1999). These courts have also expressed concern about the constitutionality of maintaining inmates in prolonged solitary confinement. Courts have also ruled against not offering inmates due process of law in classification hearings, which are used by prison administrators to determine the placement of an inmate in a supermax institution. A federal district court in Ohio ruled that prisoners are entitled to hearings, with witnesses, before being placed in a supermax unit, because these institutions impose “atypical and significant hardship” on inmates (*Austin et al. v. Wilkinson et al.*, 2004, p. 20).

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