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A CULTURE OF HARM

Taming the Dynamics of Cruelty in Supermax Prisons

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This article examines the heightened risk of prisoner abuse that is created in supermax prison settings. It suggests that a combination of powerful contextual forces to which correctional officers are exposed can influence and affect them in ways that may engender a culture of mistreatment or harm. Those forces include a problematic set of ideological beliefs, a surrounding environment or ecology that is structured in such a way as to encourage cruelty, and a particularly intense—even desperate—set of interpersonal dynamics created between prisoners and guards. The importance of taking this heightened potential for abuse into account when discussing the negative effects of supermax and proposals for its reform is discussed.

Keywords: supermax facilities; isolation; prison environments; mental disorder in prison

There is now a reasonably large and growing literature on the many ways that so-called “supermax” confinement can adversely affect the overall mental health of prisoners. The long-term absence of meaningful human contact and social interaction, the enforced idleness and inactivity, and the oppressive security and surveillance procedures (and the weapons, hardware, and other paraphernalia that go along with them) all combine to create starkly deprived conditions of confinement. These conditions predictably undermine the cognitive and emotional health of many prisoners who are subjected to them (see, e.g., Cloyes, Lovell, Allen, & Rhodes, 2006; Haney, 2003; Smith, 2006).

Of course, there are better and worse supermaxes, including some that seek to ameliorate these harsh conditions and minimize the harm to prisoners. And there are more and less resilient prisoners, including some who seem able to withstand the painfulness of these environments and to recover from the experience with few if any lasting effects. But neither fact challenges the overall consensus that has emerged on the harmfulness of long-term punitive isolation and the risks to prisoners who are subjected to it.

This consensus has led a number of courts to exclude certain vulnerable groups of prisoners, such as those who are mentally ill—or at especially high risk of becoming so—from supermax confinement (e.g., *Madrid v. Gomez*, 1995), and to express concern and condemnation that prisoners housed there “suffer actual psychological harm from their almost total deprivation of human contact, mental stimulus, personal property and human dignity” (*Ruiz v. Johnson*, 1999, p. 913). National commissions and human rights

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organizations also have roundly criticized the use of supermax and called for the practice to end. For example, Human Rights Watch (2000) concluded that “state and federal corrections departments are operating supermax in ways that violate basic human rights” because the conditions of confinement in these facilities “are unduly severe and disproportionate to legitimate security and inmate management objectives; impose pointless suffering and humiliation; and reflect a stunning disregard of the fact that all prisoners . . . are members of the human community” (p. 2). In a report based in part on a series of fact-finding hearings that addressed a wide range of prison issues, the bipartisan Commission on Safety and Abuse in America’s Prisons termed supermaxes “expensive and soul destroying” (Gibbons & Katzenbach, 2006, p. 59) and recommended that prison systems “end conditions of isolation” (Gibbons & Katzenbach, 2006, p. 57).

More recently, an international task force of mental health and correctional experts meeting in Istanbul, Turkey issued a joint statement on “the use and effects of solitary confinement” in which they acknowledged that its “central harmful feature” is the reduction of meaningful social contact to a level that it is “insufficient to sustain health and well being” (International Psychological Trauma Symposium, 2007). Citing various statements, comments, and principles that had been issued previously by the United Nations—all recommending that the use of solitary confinement be carefully restricted or abolished altogether—the Istanbul group concluded that “[a]s a general principle solitary confinement should only be used in very exceptional cases, for as short a time as possible and only as a last resort.” Notably, the specific recommendations they made about how such a regime should be structured and operated would, if adopted, end supermax as we know it in the United States.

Even a former supermax warden—one whose writing reflects relatively little sympathy for prisoners in general and for supermax prisoners in particular—acknowledged that “[a]fter long-term confinement and the loss of hope for offenders controlled under [supermax] conditions, mental deterioration is almost assured” (Bruton, 2004, p. 38). Distinguished penologists and correctional legal scholars agree. Thus, Hans Toch (2001) concluded that supermax confinement “is vulnerable to charges that it impairs the mental health of prisoners and that it makes violent men more dangerous” and, in addition, that “[t]he regime is draconian, redolent with custodial overkill, and stultifying” (p. 383). The late Norval Morris concluded that supermax prisons “raise the level of punishment close to that of psychological torture” (Morris, 2000, p. 98). And Fred Cohen (2006) has argued that extreme forms of penal isolation “simply should be banned; in its less onerous forms, isolation should be sharply limited, closely monitored, and very closely regulated,” a reform he acknowledged “may well require abandonment of supermax confinement” (p. 296).

Most of the analysis of the harmfulness of supermax is directed at the extreme levels of material deprivation, the lack of activity and other forms of sensory stimulation, and, especially, the absence of normal or meaningful social contact that prisoners experience in these settings. This emphasis is not misplaced. There is no widely accepted psychological theory, correctional rationale, or conception of human nature of which I am aware to suggest that long-term exposure to these powerful and painful stressors is neutral or benign and does not carry a significant risk of harm.

However, in this article I want to concentrate on a closely related but conceptually separate issue—the effects of the supermax environment on correctional staff and the ways in

which those effects in turn create a heightened probability of mistreatment, ranging from deliberate indifference to outright brutality. I will suggest that this heightened probability comes about in part as a result of the very assumptions on which supermax prisons are based and in which correctional staff members are more or less steeped—the end product of what I will characterize as “ideological toxicity.”

In addition, the toxic or contaminating atmosphere and its perverse and pervasive assumptions about prisoners are reinforced by the specific ways in which many supermax prisons are structured and operated. Thus, what I will term an “ecology of cruelty” is created in many such places where, at almost every turn, guards are implicitly encouraged to respond and react to prisoners in essentially negative ways—through punishment, opposition, force, and repression. For many guards, at least initially, this approach to institutional control is employed neutrally and even-handedly—without animus and in response to actual or perceived threats. However, when punishment and suppression continue—largely because of the absence of any available and sanctioned alternative approaches—they become functionally autonomous and often disproportionate in nature. Especially when these techniques persist in spite of the pain and suffering they bring about, they represent a form of cruelty (notwithstanding the lack of cruel intentions on the part of many of those who employ these harsh techniques).

Finally, I will suggest that there are a number of powerful social psychological processes at work in the confined environment of supermax that amplify the tensions between prisoners and guards. I term these the “dynamics of desperation” because, although they are general processes that can produce interpersonal tension and dysfunction in a variety of settings, they are especially problematic when they occur where psychosocial pressures are at their greatest, personal risks are heightened, and human needs are at their most basic and extreme. These desperate conditions—extreme pressures, significant risks, and dire needs—prevail in the typical supermax prison setting.

I believe that ignoring these aspects of supermax confinement does a disservice to the correctional officers who work in these units as well as to the prisoners subjected to them. Prison administrators who are reluctant to concede that supermax prisons have negative effects on prisoners—and many of them are—also tend to be oblivious to the real psychological costs to guards of working in such a place, as well as the pressures on them to treat prisoners in ways that are at least counterproductive, often painful and provocative, and sometimes truly hurtful to both groups. No comprehensive assessment of the risks of supermax confinement can continue to overlook these issues, and no approach to reforming or meaningfully modifying these units is likely to succeed without taking them into account.

CONTEXT MATTERS

The potential for significant abuse inheres in the very structure of a prison. Whatever its limitations as a literal simulation of an actual prison setting, the venerable Stanford Prison Experiment demonstrated the potentially destructive dynamic that is created whenever near-absolute power is wielded over a group of derogated and vilified others (e.g., Haney, Banks, & Zimbardo, 1973; Haney & Zimbardo, 1977). When the forces that produce that basic dynamic are amplified and intensified, and there are no countervailing pressures introduced

into the situation to regulate or moderate their effects, mistreatment is nearly inevitable. Under these conditions, there is great risk that even good, normal people can be led to do bad, sadistic things. Many supermax prisons pose precisely this heightened risk because nearly every negative aspect of the core prison dynamic is amplified and intensified in them.

In fact, there is much disturbing evidence to indicate that this destructive potential has been realized in many of the nation's supermax prisons. Consider the following patterns of mistreatment and specific acts of brutality, all occurring inside supermax prisons run by the nation's three largest prison systems, and all documented by published judicial opinions, court records, or the author's own direct interviews and observations:

A federal judge in California found that guards working at one of its supermaxes—the Pelican Bay “Security Housing Unit” (SHU)—often “hog tied” prisoners in painful “fetal restraints,” were prone to leaving naked or partially dressed prisoners in outdoor holding cages for hours at a time during inclement weather, engaged in unnecessary and unnecessarily violent cell extractions, “routinely” tasered prisoners, fired gas guns at them, and “too quickly” resorted to the use of lethal force (*Madrid v. Gomez*, 1995, p. 1179). In one particularly egregious act of cruelty, guards took a nude, mentally ill prisoner who had smeared himself with feces to the prison infirmary where they forced him into a tub of scalding hot water and held him there for so long that the skin on his lower torso peeled off and hung in “large clumps” around his legs. In what the judge characterized as “a shocking show of indifference,” the officers involved “made no attempt to seek any medical assistance or advice” in the face of the injuries they had caused (p. 1167).

In many of Florida's supermax units—known as “close management” or “CM” units—guards have resorted to pepper spraying prisoners not just to control but to punish and retaliate against them, sometimes for rule violations as insignificant as talking to inmates housed in nearby cells. At times, the pepper spraying has been rampant and excessive in amount—on many occasions entire canisters of the chemical agent have been emptied into a single prison cell, and prisoners complain that guards sometimes cover up the back windows of their cells to stop ventilation and ensure that the pepper spray lingers in the air inside. In addition to the pepper spraying, there have been numerous allegations that CM prisoners are subjected to severe physical abuse, especially at the Florida State Penitentiary (FSP). The FSP is the facility that houses the largest number of CM prisoners, known as a place that even a former warden testified “had a notorious reputation for the beating of inmates” (*Valdes v. Crosby*, 2006, p. 1240). In one such case a prisoner died inside an FSP supermax unit after a physical altercation with guards. He had 22 broken ribs, fractures in his sternum, spine, and jaw, as well as internal injuries. There were boot marks on his body, and his testicles were badly swollen. Prison guards claimed that the injuries were self-inflicted (e.g., Word, 2007).

In Texas, a federal judge concluded that even after some 30 years of landmark litigation designed to remedy the problem, a “culture of sadistic and malicious violence” continued to pervade the state's prison system (*Ruiz v. Johnson*, 1999, p. 929). In their equivalent of supermax—Administrative Segregation and “High Security” units—prison staff regularly locked floridly psychotic prisoners and left them to languish nearly around the clock, in what the judge acknowledged was “a frenzied and frantic state of human despair and desperation,” without mental health attention or care (p. 913). A number of these prisoners sat in the back corners of feces-smeared cells or in puddles of their own urine. Some of the units erupted—bedlamlike—when outside visitors entered them, as prisoners banged on the walls and doors and screamed out for someone to come help them. Guards were able to accurately point to the severely mentally ill prisoners in their units, sometimes derisively referring to them as “nutters” or “basket cases.”

Perhaps the most troubling fact about these documented instances of supermax abuse is that they reflect systemic patterns rather than a “mere collection of isolated and aberrant acts” at these facilities (*Madrid v. Gomez*, 1995, p. 1302). Indeed, although the behavior in question was extreme, there is nothing to suggest that it was aberrational. The supermax units themselves were not being run in an atypical manner, and they were not staffed by especially poorly trained personnel who had been selected for their sadistic tendencies. In fact, until the courts stepped in to condemn them, many guards in the units appeared unaware that they were doing anything wrong, corrections officials ignored many of the worst practices and minimized their consequences, and state attorneys vigorously defended them. In this sense, then, the frightening extremes to which the guards went provided clear and unsettling demonstrations of the inherent power of an unchecked and unregulated supermax environment and the end effect of that power on the behavior of the staff.

Of course, no one would or should attribute this extreme and abusive behavior to a “new generation” of uncaring, sadistic guards (the corrections equivalent of the “new generation” of convicts whose presence in prison systems was said by some—erroneously in my opinion—to require the construction of supermaxes in the first place). The federal court that critically examined the plight of vulnerable prisoners who were suffering inside the Texas supermax units concluded that

Whether because of a lack of resources, a misconception of the reality of psychological pain, the inherent callousness of the bureaucracy, or officials’ blind faith in their own policies, [the state prison system] has knowingly turned its back on this most needy segment of its population. (*Ruiz v. Johnson*, 1999, p. 914)

To be sure, this is an astute analysis of many of the broad structural factors that underlie supermax abuse. But those very structural factors—a lack of resources, a misconception about the nature of psychological pain, a callous bureaucracy, and blind faith in policies that do not work—have helped to create dysfunctional supermax environments in a number of prison systems.

In this article I argue that the destructive potential of supermax is brought to life in large part—although certainly not exclusively—by the staff members who work there. These men and women are themselves very much the captives of the often untenable supermax environment in which they must function. The extreme deprivation, the isolating architecture, the technology of control, and the rituals of degradation and subjugation that exist in supermax prisons are inimical to the mental health of prisoners. But it would be naïve to contend that the nature of the supermax environment does not also affect the staff that works inside. In many such places, an atmosphere of thinly veiled hostility and disdain prevails, and the tension and simmering conflict are often palpable. The stress can be read on the faces of the correctional officers, who seem on edge, hypervigilant, even “pumped up.” Among other things, this means that supermax prisoners not only have very few interpersonal interactions of any kind—the essence of this kind of confinement—but that the interactions that they do have are fraught with resentment and recrimination.

The closed nature of the supermax environment amplifies its power and intensifies the dynamics that are generated inside. A cycle of dysfunctional actions and reactions is more likely to occur and less likely to be broken. Thus, the context of many supermax prisons—one that prisoners are admittedly very much a part of—threatens to adversely affect the guards who work there. If and when it does, their behavior, in turn, is negatively affected

in ways that typically worsen their treatment of prisoners. The harmful effects of supermax confinement are thereby increased and may spiral out of control.

That supermax units house many troublesome and difficult prisoners is a given. What is not—and what therefore is problematic—is the way in which the structure of supermaxes and the standard procedures by which they operate exacerbate this fact, generate forces that accelerate and amplify the potentially destructive dynamics of prison itself, and drive prisoners and guards even farther apart from one another, increasing the potential for abuse. In the following several sections I discuss some of the ways in which this happens.

A TOXIC IDEOLOGICAL ATMOSPHERE

Supermax prisons emerged in the United States during an era in which many politicians and members of the public were indulging a powerful “rage to punish” (Forer, 1994). Indeed, the nation seemed to celebrate (and often demand) rather than merely tolerate (or even lament) official cruelty and the infliction of pain in its criminal justice system. A “punishment wave” swept over us with such force that it ripped citizens, politicians, and courts from the ethical moorings that once served to restrain the severity of criminal sanctions (Haney, 1998). For several decades—the very decades in which many supermax prisons came on-line in the United States—the punishment wave diverted decision makers from considering the consequences of incarceration, obviating a once-recognized need to balance crime control policies with humanitarian considerations.

There were many punitive excesses that characterized this period. Of course, we put unprecedented numbers of people in prison for unheard of amounts of time. But there was more. A county sheriff—the self-proclaimed “meanest sheriff in America”—publicly took pride in running what he termed “a very bad jail” (Mydans, 1995). Some states returned to the use of chain gangs (e.g., Bragg, 1995; Navarro, 1995), whereas others began charging prisoners “room and board” fees for the periods during which they were incarcerated (Pasternak, 1997). So-called “three-strikes” laws were passed that meted out life sentences, often for nonviolent crimes and sometimes for offenses as trivial as stealing a pizza or a loaf of bread (e.g., Zimring, Hawkins, & Kamin, 2001). Conservative commentators coined the term “superpredators” to refer to the hordes of supposedly heartless and dangerous young criminals that they warned were about to overrun us (DiIulio, 1995). In part, in response to this kind of hysterical rhetoric, virtually every state in the country passed laws designed “to get more juveniles into the adult criminal-justice system where they presumably will serve longer sentences under more punitive conditions” (Butterfield, 1997, p. 1A).

And then there were the supermax prisons. I am convinced that the new supermax units were created and proliferated in part in response to what prison authorities perceived as an impending threat the chaos and disorder that might be brought about by unprecedented levels of prison overcrowding. Supermaxes would serve as tightening screws on the pressure cookers that corrections officials worried were being created inside many of their most crowded prisons. Of course, this legitimate concern might have been handled in a number of other ways. Instead, the supermax solution resonated perfectly with the fundamentally punitive ideology that characterized the era—a so-called “penal harm movement” that had become dominant during the “mean season” of corrections, where what passed for “penal

philosophy” amounted to little more than devising “creative strategies to make offenders suffer” (Cullen, 1995, p. 340). Supermax confinement was one of those strategies.

Most of the tenets of the penal harm movement—the core assumptions on which the movement was based—can be fairly characterized as “ideological.” They were very frequently asserted by political partisans, offered as part of a larger political agenda (e.g., Beckett, 1997), were almost always bolstered by gross exaggerations and inflammatory rhetoric, and based on little or no objective evidence or rational analysis.¹ In any event, they swept across the country and radically changed what many citizens, legal decision makers, and correctional policy makers thought and did about crime and punishment.

There were several important components to the penal harm movement and the underlying logic by which it was justified. For one, crime was decontextualized and depicted as residing entirely in the internal makeup of the persons who engaged in it. That is, criminal behavior was said to be the product of morally blameworthy choices made by individual actors who were presumed to be equally autonomous and free, unencumbered by their social histories or the circumstances in which they acted. Prisoners needed to be incarcerated for long periods of time because they were not only bad—or “wicked,” in the formulation of one of the movement’s chief architects, James Q. Wilson (1975)—but intractably so. The intractability of their badness or wickedness meant that prison was to be mostly (or exclusively) devoted to the purpose of punishing them; there was no hope for reform, rehabilitation, or redemption.

Thus, what Nils Christie (1993) termed “the whole question of social justice” (p. 134) was excluded from determinations of criminal responsibility as well as from the sentencing calculus by which terms of imprisonment were established. Mental states defenses were drastically limited, consideration of a defendant’s social background was deemed irrelevant in sentencing guidelines, and judicial discretion was increasingly limited to legislatively prescribed factors that pertained entirely to the characteristics of the offense, not the social history or context of the person who committed it.

Not surprisingly, these sweeping ideological shifts had profound effects on correctional policies as well as the day-to-day atmosphere inside the nation’s prisons. A form of the penal harm movement—devising ways to make offenders suffer—was legitimized and implemented *inside* prison much as it had been on the outside. Obviously, prison systems were freed from the mandate of rehabilitation. As Malcolm Feeley and Jonathan Simon (1992) noted, a “new penology” emerged in which prisons abandoned the attempt to further the social and personal transformation of prisoners and replaced it with correctional strategies aimed at “managing costs and controlling dangerous populations” (p. 465).

Of course, these developments had significant implications for internal prison discipline. By the prevailing ideological view, continued troublemaking inside prison could indicate only one thing: that this particular prisoner was even worse—“more wicked”—than the others and therefore in need of being punished even more. Thus, the only way to respond to continued misbehavior was to make life even more miserable for those prisoners who disobeyed. Just as in the larger criminal justice system, prison-rule violations were viewed in decontextualized terms—they were virtually always the fault of the violators, and rarely if ever produced by the circumstances under which the rule breakers had acted (no matter how dire or coercive those circumstances were). Here, too, the prisoners’ bad behavior supposedly stemmed from their internal traits; ones that led certain, especially “wicked” prisoners to freely choose their transgressive, offensive, and predatory behavior. The notion

that misbehavior in prison might be a sign or symptom of something else—that the prisoner was struggling with personal problems, had been placed in a dysfunctional prison environment or untenable immediate situation, might be suffering from psychological impairments, or that the system itself might be malfunctioning by failing to anticipate the conflict beforehand—became increasingly inconceivable, irrelevant, or both.

These prevailing ideological views facilitated the creation and proliferation of supermax—a punishing prison-within-a-prison—and also have had a continuing, significant effect on the atmosphere inside the supermax units and the mind-sets of the persons who work there. The especially forceful application of this broad punitive ideology is signified by the term that is routinely applied to supermax prisoners—they are said to be, quite simply, “the worst of the worst.” The implications could not be more clear or problematic (or “toxic”): Prisoners in general are bad (indeed, the “worst”) but even among this group of “worst” people, there are those who are even more bad—the “worst of the worst.” With that as its starting premise, one might ask, what kind of supermax culture could we expect to evolve? Certainly one in which prisoners who are thought to be at the endpoint of irredeemable badness can and must be met with the greatest levels of penal harm that the prison system can muster. The “worst of the worst” designation defines the inhabitants of supermax as fundamentally “other” and dehumanizes, degrades, and demonizes them as essentially different, even from other prisoners. It provides an immediate, intuitive, and unassailable rationale for the added punishment, extraordinary control, and severe deprivation that prevail in supermax.

The fundamental fact or fiction of their essential difference comes to represent them and to organize the mind-set of the people charged with the responsibility of keeping them captive. This allows the compassion and empathy that would otherwise be extended to persons who are held in desperate and degraded conditions, who are in crisis or in need, anguished or disconsolate, to be suspended, so that their pain not only does not register but becomes something that they have earned, asked for, or otherwise simply deserve.

The “worst of the worst” mythology helps to perpetuate another misconception that facilitates the callous and sometimes cruel treatment of supermax prisoners—the notion that they are somehow impervious to the pains of imprisonment. By this view, the tough cons who end up in supermax are constitutionally more capable of standing up to the harshness of life there than the rest of us presumably more sensitive souls. Thus, sociologist David Ward has been quoted as saying about supermax prisoners, “These guys are not like the rest of us. . . . They approach [doing time] in a way that would be completely different for the rest of us. We probably would have mental health problems if we were in there” (Walt, 1999, p. 1). In fact, anyone who has spent a significant time interviewing supermax prisoners and evaluating their backgrounds and social histories understands that the reverse is often true. That is, many supermax prisoners have extensive and extreme childhood and adolescent trauma histories that render them more, not less, vulnerable to psychological stress. The fact that aspects of the prison experience may represent a form of “retraumatization” for many of them means that they are likely to feel the pains of imprisonment especially acutely (something that also may help to account for the dysfunctional patterns of institutional behavior that result in their placement in supermax in the first place).

Lorna Rhodes (2002) is certainly right about the way in which the label “psychopath” affects the judgments of supermax staff about whether certain prisoners under their control “are perceived to be ‘human’ at all or rather a species—both monstrous and hyperrational—specifically suited to isolation” (p. 444). The only caveat that I would add is that in my

experience, many (perhaps most) supermax prisoners—precisely because they already have been designated as the “worst of the worst”—are viewed by many staff members through precisely this dehumanizing lens, whether or not they have been formally labeled as psychopathic. The added, official diagnosis or label is a nicety that is of little real consequence to many correctional officers. They know—because they have been repeatedly told and, for reasons I will develop in subsequent sections of this article, believe that they have seen repeatedly confirmed—the fact that the prisoners under their control are the “worst of the worst.” It is as good an operational definition of psychopath as any of them need.

Except, of course, that “worst of the worst” is not a very good operational definition of a psychopath, or anything else for that matter. And it is a terrible description of the diverse group of people who are in supermax.² In fact, “worst of the worst” does not lend itself to any precise definition, and a conscientious attempt to create one would lay bare the sloppiness and unreliability of the process by which the label is applied in supermax. Researchers who have looked carefully at the prisoner population in the typical supermax unit or prison are struck by the hodge-podge of persons who are housed there. For example, many supermax units are composed of a plurality of alleged gang members, many of whom are there—often indefinitely—because of an administratively imposed status, irrespective of whether they have committed any other serious disciplinary infractions at all (e.g., Tachiki, 1995).

Perhaps even more troubling, a disproportionate number of supermax prisoners suffer from a wide variety of psychological and psychiatric problems and disorders that range in severity. My own research and that of many others who have now looked carefully at the makeup of supermax populations underscore this fact: A very high percentage of them are truly suffering, and many are deeply disturbed—emotionally and in other ways. Those psychological and psychiatric disturbances may contribute to the disturbing behavior that has resulted in their supermax confinement and certainly render these prisoners more susceptible to the painful stresses of the harsh and deprived environments in which they are housed. They also make it more difficult for these prisoners to conform their behavior to the rigid requirements of supermax well enough to eventually be released. But these things hardly qualify them as the “worst of the worst.”

Specifically, several studies have found that nearly a third—29% to be exact—of the prisoners in supermax suffer from a “serious mental disorder” (Hodgins & Cote, 1991; Lovell, Cloyes, Allen, & Rhodes, 2000). In addition, as David Lovell, (2008 [this issue]) points out, “mental health issues, variously conceived” (p. 990) are much broader than the category of those diagnosed or diagnosable with “serious mental illness.” In fact, in their study, Lovell and his colleagues (Cloyes et al., 2006; Lovell, (2008 [this issue]) found that some 45% of supermax prisoners suffered from overall “psychosocial impairments”—the cumulative percentage of prisoners suffering serious mental illness (based on prison documentation), marked or severe psychiatric symptoms (based on the administration of a brief psychiatric rating scale), psychotic or self-injurious episodes (derived from prison files), or brain damage (again, as indicated in prison medical charts). In addition, my own direct assessments of supermax prisoners in several jurisdictions indicate that two thirds or more of them are suffering from a variety of symptoms of psychological and emotional trauma, as well as some of the psychopathological effects of isolation (e.g., Haney, 2003).

Despite this high concentration of prisoners suffering from sometimes very severe psychological symptoms and disorders—as I said, suggesting that rather than the “worst of the worst,” their behavior may be unusually impaired by pre-existing conditions or the exacerbation of psychological vulnerabilities during confinement—supermax units are uniquely

ill-suited to house them and front line correctional officers fundamentally ill-prepared to address their needs. Indeed, as the criminal justice system has become the default placement for the mentally ill in our society, correctional officers in prisons across the country have been increasingly surrounded by disturbed prisoners whose psychiatric problems they were not trained to recognize or understand, and whose needs their prisons often lack the appropriate resources to respond to anyway.

Of necessity, correctional officers have been forced to ignore all but the most flagrantly symptomatic prisoners and instead to interpret their bizarre behavior the only way they could—mistakenly, as willful rule breaking, insolence, or a reflection of the prisoners dangerousness. Supermax became a repository for these sad, tragic figures—as I say, between a third to a half or more the supermax population—despite the fact that those units cannot humanely house them. Indeed, there are many correctional officers who regard the fact that some supermax prisoners might be, in their view, “mad” as well as “bad” as something that makes them all the more dangerous—rather than an object of sympathetic concern—and they treat them accordingly.

Of course, there is no disputing that many prisoners in supermax have behaved violently in the past and that—at least for those particular prisoners—their violent behavior is what accounts for their placement in disciplinary segregation. Many of them are, in that sense, rightly viewed as “dangerous” by the guards who interact with them and manage their behavior. But very little violence in prison (as elsewhere in society) is independent of the context in which it occurs. Yet as I have noted, the operative framework in supermax prisons views “dangerousness” as an exclusive property of the person—something that is possessed internally, typically in a fixed and largely unmodifiable amount (with supermax prisoners possessing the greatest possible amounts of the trait; one that can only be suppressed but rarely, if ever, eliminated).

Among other things, correctional officers who work for long periods in supermax can easily become oblivious to the indignities of the situations that prisoners routinely endure. This comes about not because of the callousness or insensitivity of the officers, but rather because they have “gotten used to it.” From their view, the status quo is simply the way supermax prisoners live, what and how they eat, the minimal, drastically truncated, range of things they are allowed to do, and so on. If prisoners get what the rules say they are entitled to, then there is no reason for them to get frustrated or angry. Their frustrated and angry behavior is produced from within themselves, not their deprived circumstances.

The combination of this routine decontextualizing of rule breaking and the corresponding demonizing of supermax prisoners as categorically the “worst of the worst” means that whatever happens in supermax units—including extreme and abusive behavior on the part of the guards—can be cloaked in a seemingly irrefutable justification: It is invariably the prisoners’ fault, a product of their intrinsic wickedness. Supermax prisoners, thought to be in total command of themselves and their actions, impervious to their surroundings, and invulnerable to intended or unintended provocations, choose to act; correctional officers merely react. It is a clear manifestation of Nils Christie’s (1982) insight, here applied to the supermax prison: “It is the [supermax prisoner] who first acted, he initiated the whole chain of events. The pain that follows is created by him, not by those handling the tools for creating such pain” (p. 49).

This mind-set serves to absolve officers of responsibility for day-to-day excesses and overreactions. It also can be employed by prison officials to divert attention from more systemic problems that might implicate groups of officers or the way an entire supermax unit is being run (and correspondingly, to lessen the pressure for reform). Thus, when

newspapers in the mid-1990s began reporting stories about brutality at California's second supermax prison—Corcoran State Prison, located in the state's central valley—correctional authorities blamed the prisoners for the abuses they suffered. The allegations were serious, implicated a large number of staff members, and involved behavior that stretched over a number of years:

In the eight years since the state built the high-tech prison . . . seven inmates have been shot dead by officers and more than three dozen have been wounded. And in June of last year, 36 inmates bused from [another state prison] were beaten as they arrived at Corcoran. (Lee, 1996, p. 3B)

Those accusations were broadened subsequently to include reports that staff members regularly staged what were billed as “gladiator fights” between rival gang members, ones that terminated with at least some prisoners’ being killed by prison riflemen (e.g., Fernandez, 1997; Holding, 1996a). Several correctional officers admitted that “[i]t was common practice . . . for guards to pair off rival inmates like roosters in a cockfight, complete with spectators and wagering, then sometimes shoot those who wouldn’t stop fighting” (Arax, 1996, p. A1).

The prison warden’s explanation for the violence was entirely consistent with the ideology that dominates in supermax: “I think people lose sight of why we built Corcoran,” he said. “We house the bad people. And we do the best we can” (Lee, 1996, p. 3B). When violence at the prison skyrocketed in the midst of the publicity about the gladiator fights—a staggering “almost 50 inmate fights and dozens of shootings on the yards” in a single month in 1996—a Department of Corrections official also blamed the prisoners alone for the problem: “One thing that will change is that inmates who act up at Corcoran will go to Pelican Bay” (Holding, 1996b, p. A17)—the latter facility thought to be an even more harsh and punitive supermax than Corcoran. And, remarkably, as media revelations about these incidents continued to bring adverse publicity to the prison, the Correctional Peace Officers Association, a number of other law enforcement organizations, and a variety of victims’ rights groups banded together to take out a full-page newspaper advertisement in support of the guards. “Like the vast majority of California citizens,” the ad read, “we stand with you.” Why? Because the prisoners who were the victims of these events were, in the words of the ad, “vicious, predatory,” “cold-blooded and remorseless,” people who “have no conscience,” and who, therefore, presumably deserved whatever they got (“We Stand With You,” 1997).

There is one final set of beliefs that adds to and exacerbates the operation of the penal harm ideology that pervades the atmosphere in many supermaxes. The beliefs are prevalent among correctional officers generally, but they manifest themselves in a particularly problematic way in many of these particular units. Despite the gender diversity that has been achieved in many prison systems over the past few decades, most correctional officers are influenced by an occupational culture with deeply masculine—“macho”—values and perspectives. They are socialized into (or come already endorsing) an ethos that reveres strength and forcefulness, especially in the face of danger. And, like other occupations that embrace this ethic, higher status tends to be granted to those who encounter the most danger or see the most action.

Thus, in at least some correctional settings, there is a certain caché that comes from handling prisoners alleged to be the “worst of the worst.” In some prison systems the supermax staff conceives of itself as an elite force, specially deployed to handle an intractably dangerous group of the system’s worst prisoners. The special “combat” uniforms that are worn by the officers in some of the units reinforce that image. Of course, the truest expression of

this masculinist ethic requires those worst prisoners to be forcefully dominated and controlled—often literally through the application of sheer physical force or intimidation. To be sure, from this perspective, there is little or no acclaim to be garnered by guards who would go about managing the “worst of the worst” by trying to genuinely understand their needs, effectively administering to their pain, caring deeply about their concerns, or even cleverly manipulating them through guile, verbal skill, or interpersonal sophistication.

I have termed this panoply ideological notions and beliefs—and the atmosphere they create—as collectively “toxic” because of the adverse influence they have on interpersonal relations between supermax guards and prisoners. They have the capacity to contaminate the atmosphere in these units and shape the social relations and interactions that occur between prisoners and guards who live and work there. The extreme version of the penal harm ideology that prevails in supermax creates a set of interpretations, expectations, and stereotypes that, as I will discuss in a subsequent section, have real consequences, not just for the subjective experiences of the participants but for their overt behavior as well.

The toxic ideology that pervades many supermaxes can contribute to the emergence of an atmosphere or culture of harm, one where the risk of mistreatment or brutality is significantly increased. Precisely because there is so little outside monitoring of supermaxes by constituencies who can bring fundamentally different perspectives and mind-sets to bear on what is proper, correct, and humane—the press, prison lawyers, or human rights organizations—there is little meaningful feedback or much possibility for significant self-correction. The toxic ideological environment created inside these isolated and insulated places allows the staff to establish a social reality that is largely immune from critical evaluation, challenge, and debate and exempted from normal forms accountability. Because they are spared ever having to justify the destructive norms that have been created there, whatever toxic atmosphere and abusive norms are engendered are more likely to persist.

AN ECOLOGY OF CRUELTY

Supermax prisons are built on a model of profound deprivation. They are structured to deprive prisoners of most of the things that all but the most callous commentators would concede are basic necessities of life—minimal freedom of movement, the opportunity to touch another human being in friendship or with affection, the ability to engage in meaningful or productive physical or mental activity, and so on. In most prisons—even in maximum security—prisoners retain some small but meaningful freedoms. They can take advantage of admittedly minimal opportunities for programming and activity, and many manage to fashion a semblance of an authentic life, especially in the institutional spaces that remain unregulated. But supermaxes have become places of nearly pure punishment where, by virtue of the totality of the control and the sheer degree of deprivation, there are very few of these interstices left. As a result, it is nearly impossible for supermax prisoners to eke out a meaningful life (as opposed to a mere existence). In such an extreme and extremely deprived environment, whose primary emphasis is on punishment and control, an “ecology of cruelty” is created, where people become inured to the suffering of others.

Elsewhere I have written about the extremes of deprivation and degradation that I saw imposed on prisoners at what was then one of the nation’s worst supermax environments (Haney, 1993). Since then I have seen these conditions largely replicated in many such

supermax units around the country. Indeed, the published descriptions of the core supermax regime do not vary much. For example, here is how a federal judge in Wisconsin characterized that state's supermax, a facility that she concluded was unfit for mentally ill prisoners but not sufficiently cruel to declare unconstitutional for others:

Inmates on Level One at the State of Wisconsin's Supermax Correctional Institution in Boscobel, Wisconsin spend all but four hours a week confined to a cell. The "boxcar" style door on the cell is solid except for a shutter and a trap door that opens into the dead space of a vestibule through which a guard may transfer items to the inmate without interacting with him. The cells are illuminated 24 hours a day. Inmates receive no outdoor exercise. Their personal possessions are severely restricted: one religious text, one box of legal materials and 25 personal letters. They are permitted no clocks, radios, watches, cassette players or televisions. The temperature fluctuates wildly, reaching extremely high and low temperatures depending on the season. A video camera rather than a human eye monitors the inmate's movements. Visits other than with lawyers are conducted through video screens. (*Jones 'El v. Berge*, 2001, p. 1098)

Supermax prisoners experience limited social interaction and almost total idleness, are fed in their cells and have very limited out-of-cell activities. Almost every aspect of daily life is controlled and monitored. Remote controlled doors minimize contact even further. There is little natural light and no access to the outdoors. (*Jones 'El v. Berge*, 2001, p. 1099)

The institution provides only video visitation. Inmates remain in their cell block and visitors at the front of the institution. Inmates and their visitors see each other on small video screens that are located across the room from the inmate. The audio quality is poor. . . . During the video visits, inmates remain handcuffed, shackled and belly chained. Prison log books show that only 10% of inmates receive visits, an unusually low number. (*Jones 'El v. Berge*, 2001, p. 1101)

Beyond the physical limitations and procedural prohibitions that are central to supermaxes, these places must be "lived in," typically on a long-term basis. Reflect for a moment on what a small space that is not much larger than a king-sized bed looks, smells, and feels like when someone has lived in it for 23 hours a day, day after day, for years on end. Property is strewn around, stored in whatever makeshift way possible, clothes and bedding soiled from recent use sit in one or another corner or on the floor, the residue of recent meals (that are eaten within a few feet of an open toilet) here and there, on the floor, bunk, or elsewhere in the cell.

Ventilation is often substandard in these units, so that odors linger, and the air is sometimes heavy and dank. In some supermaxes, prisoners are given only small amounts of cleaning materials—a Dixie cup or so of cleanser—once a week, making the cells especially difficult to keep clean. Inside their cells, units, and "yards," supermax prisoners are surrounded by nothing but concrete, steel, cinderblock, and metal fencing—often gray or faded pastel, drab and sometimes peeling paint, dingy, worn floors. There is no time when they escape from these barren "industrial" environments. Many prisoners sit back on their bunks, look around at what has become the sum total of their entire lives, hemmed in by the tiny space that surrounds them and, not surprisingly, become deeply despondent.

The severe deprivation robs them of large, important things (such as social contact, meaningful stimulation, and activity) and little things (such as sufficient toiletries for personal hygiene). A supermax prisoner in Texas—one with an especially notorious tough-guy reputation—said to me, "Look at me. They have reduced me to an animal. I can't take care of myself, I smell, my hair is matted together, I eat all of my meals just a few feet away

from the toilet in my cell. I am living like an animal. I am afraid I am becoming one.” And then he began to cry. Other prisoners fight against the threat of lost humanity by acting belligerent, confrontational, and violent, paradoxically taming the fear of becoming like a beast by trying to choose for themselves when and where to act like one.

Indeed, Thelton Henderson, the federal judge who was so critical of the regime in California’s Pelican Bay made several explicit references to the supermax prisoners there being treated like animals. In one instance, the court commented on the practice of leaving prisoners in outdoor cages for a significant period of time “as if animals in a zoo,” which the judge concluded “offends even the most elementary notions of common decency and dignity” (*Madrid v. Gomez*, 1995, p. 1172). The second mention came in reference to the concrete-enclosed exercise yards or pens: “[S]ome inmates spend the time simply pacing around the edges of the pen; the image created is hauntingly similar to that of caged felines pacing in a zoo” (p. 1229). Nowadays, of course, the outdoor caging of supermax prisoners that Judge Henderson found so troublesome occurs regularly *inside* supermax housing units all across the country, and supermax prisoners spend a great deal of time pacing around the edges of most of the spaces in which they are confined, including their cells. The comparison to a zoo unfortunately remains apt—places where exotic, presumably dangerous species are caged in so completely, far from their natural environment, kept separate from one another and largely apart, even from their keepers. The haunting similarities are many in number, and one is hard-pressed to name any other place in our society where sentient beings are housed and treated this way.

Consistent with the penal harm ideology I described in the previous section, supermaxes are designed in large part to “make prisoners suffer,” whether corrections officials acknowledge this as their intended purpose or not. There is no other way to explain the extremes of deprivation and control to which prisoners in these units are subjected. The touting of supermax confinement as a way to deter misbehavior elsewhere in the prison system is equally telling; the essence of a deterrence model is the implicit threat of pain—the more, supposedly, the better. Moreover, the suffering that occurs in supermax is seen as part of what prisoners housed there deserve, so much so that guards in many supermax units seem ever eager to add more suffering at the slightest provocation.

In fact, there is an unfortunate tendency for environments characterized by such drastic imbalances of power to become even harsher and less forgiving—more cruel—over time. It is as if they generate their own centrifugal force—the limits of what is acceptable continue to be pushed outward, away from the center. Thus, rules are enforced with more rigidity and less concern for their adverse consequences in such extreme environments, those where conditions are so depriving and controlled that they “may press the outer bounds of what most humans can psychologically tolerate” (*Madrid v. Gomez*, 1995, p. 1267). But both groups—prisoners *and* guards—are likely to find the outer limits of their psychological tolerance pressed by these places. Certainly both groups are affected by the stark and severe physical environment in which they live and work—a dominating architecture that is designed to accomplish the goals of surveillance, isolation, and control, and very little else. The staff help to both create and enforce aspects of this ecology, to be sure, but they are also affected by the time spent working in it.

The cruelty of supermax is built into its standard operating procedures and their tendency to produce more suffering. Guards must commit to a rote and routinized application of a pervasive and all-encompassing set of rules, no matter how hurtful or counterproductive the

consequences and are implicitly encouraged to respond and react to prisoners in other essentially negative ways. A kind of institutional obstinance and lack of imagination require them to repeat the same failed strategy of control, again and again, apparently expecting a different result. Because guards are encouraged to punish, repress, and forcefully oppose—by virtue of the fact that they are provided with no alternative strategies for managing prisoners—they have no choice but to escalate the punishment when their treatment of prisoners fails to produce the desired results (as it frequently does). Of course, over time, the correctional staff becomes accustomed to inflicting a certain level of pain and degradation—it is the essence of the regime that they control and whose mandates they implement. They naturally become desensitized to these actions and, in the absence of any alternative approaches (both the lack of conceptual alternatives or the means to implement them), they deliver more of the same.

Not surprisingly, these conditions and forms of treatment lead the prisoners to a “[p]erception of capricious deprivation and custodial overkill” (Toch, 2001, p. 381). In addition to the bitterness and alienation that results, this harsh treatment engenders more than a little “push back” from them, including dangerously assaultive behavior at times—actions that are aimed at degrading and hurting officers and that the officers have every reason to resent and to fear. These responses by the prisoners—some of which are the manifestation of long-standing patterns and others that reflect more immediate adaptations and reactions to the increased repression they experience in supermax—make them an especially difficult group to deal with. The guards have few counterbalancing experiences that leaven or broaden their perspective on the prisoners—they see prisoners acting out or causing problems in these units or they really do not see much of them at all.

Indeed, few of these units allow for the kind of genuine interactions between guards and prisoners that might humanize the prisoners in the eyes of their overseers (or vice versa, for that matter). In fact, the comprehensive network of restrictions imposed in a supermax means that little behavior of any kind can be initiated by prisoners; except, ironically, for rule violations, most the rest of what prisoners can do is to comply with these contingencies, mandates, and directives. Supermax prisoners live minimal existences or worse—obeying orders, or not—and begin to seem like minimal people. In such a place, as Morris (2000) noted, “the prisoners become more dehumanized” to the staff and “the temptation is strong to treat them as less than a human being” (p. 107).

There are other components to the ecology of cruelty that dominates these places. For example, the sophisticated architecture and new generation of technology that enhance the level of punishment and control that can be achieved in supermax are supplemented with more traditional tools from another correctional era. Thus, guards have ready access to and rely heavily on handcuffs, belly chains, leg irons, spit shields, strip cells, four-point restraints, canisters of pepper spray, batons, and rifles to control prisoner behavior in supermax. Indeed, because supermaxes run almost entirely on the norms of punishment and subjugation, guards are vulnerable to what has been termed “the law of the instrument”—the notion that when your only tool is a hammer, everything looks like a nail. Obviously, the narrowly punitive range of “hammers” that the typical supermax guard is given with which to manage problematic prisoners and respond to interpersonal conflict will constrain and constrict the nature of their responses and shape their views of prisoners and their problems.

Thus, a particular image of supermax prisoners is forged and repeatedly reinforced by virtue of the manner in which guards are encouraged (or required) to respond to them.

Correspondingly, the guards become increasingly skilled at physically restraining and subjugating prisoners at the expense of controlling them through social interaction and persuasion. Some older correctional officers worry about the “deskilling” of newer generations, ones raised with so much hardware, technology, and other “devices” at their disposal that they never become practiced in or adept at less confrontational methods such as talking and listening to prisoners and persuading them to comply.

The custodial overkill to which Toch (2001) referred can take a number of different forms inside the typical supermax. For example, in many of the units where I have interviewed prisoners, three or more flak-jacketed, helmeted escort officers are required not only to bring certain prisoners to the interview room but also to stand by, visually overseeing the interview itself (despite the fact that the prisoner is typically required to be physically restrained throughout). In addition, some prisoners warrant the presence of several additional guards—sometimes including one who is holding a video camera to create a record of the staff’s interaction with him (for whose protection, exactly—theirs or his—is left unclear). Aside from the extraordinary investment of time and resources, consider the effect of this elaborate ritual on the guards themselves. Surely the only inference that can reasonably and in good conscience be made is that these extensive security precautions are absolutely necessary. Enough time spent repeating this process, and the message will surely be internalized.

Moreover, when what supermax staff regard as a real crisis occurs—an obstreperous prisoner refuses to return a food tray, for example—a “cell extraction” or “move team” is assembled and the risk of custodial overkill becomes even greater. The procedures prescribed for these violent encounters have been described elsewhere in the literature (e.g., Haney & Lynch, 1997; Morris, 2000), and I will not belabor them here. Suffice it to say that they involve an elaborately orchestrated physical confrontation in which a team of correctional officers typically wearing shielded helmets, body armor, and padding (and, in units where gas or pepper spray is used, a gas mask), all wielding plastic shields, batons, handcuffs, or chains, forcibly enter a prisoner’s cell, subdue and place him in restraints, and take him elsewhere in the prison.

Cell extractions are an important component of the ecology of cruelty that is created in supermax. They can be precipitated by what appear to be disproportionately small provocations or comparatively insignificant infractions, and they are quite frequent in some facilities. In most supermaxes, virtually every prisoner has either been extracted or witnessed others being extracted, and some have been traumatized by the experience. Correspondingly, officers who have engaged in violent cell extractions, or pepper-sprayed or tasered prisoners on numerous occasions—or seen others repeatedly do so—naturally become accustomed to it over time. As they become increasingly desensitized to these uses of force, they are also rendered more susceptible to “behavioral drift”—the tendency in this context for the stress and exigencies of the situation to blur the line between ethical and unethical treatment.

The ecology of cruelty also means that there are very few ways in which a guard can actually reward a prisoner by significantly improving or alleviating the deprived conditions of his confinement. This is in part because there are so few options available with which to do so and in part because this would represent an implicit violation of the punishment-based logic on which the unit is premised. That is, in units based so thoroughly on punishment and deprivation, the act of rewarding prisoners—even for especially meritorious behavior—is highly problematic because it threatens the basic operating assumptions of the unit: After all, if behavior can be effectively shaped through rewards, what purpose

supermax? In addition, within this ecology, interventions aimed at de-escalation or compromise may be seen as capitulation, signs of weakness, or “rewarding bad behavior.” Guards who violate the norms of punishment by routinely seeking compromise, finding ways to express encouragement, or showing empathy for the prisoners’ plight face marginalization, ostracism, and reassignment.

On the other hand, one of the basic principles of any unit premised so completely on domination and punitive control is that no matter how harsh the normative regime, something even harsher must be devised for the recalcitrant. This necessitates the creation of a more punitive and degrading place or unit to which prisoners can be banished, both as punishment for their continuing violations and to send a message to the rest of the prisoners. For example, the Pelican Bay supermax in California devised what they called a “Violence Control Unit” (VCU) to further punish the prisoners who were already being punished by virtue of their presence in the supermax but who nonetheless continued to misbehave. Prisoners in the VCU—many of whom were severely mentally ill when I toured there—were subjected to a number of even more restrictive procedures and rules than the already severely deprived prisoners in the rest of the supermax. For example, a Plexiglas barrier or covering was added to the front of each VCU cell, significantly distorting vision into and out of the cell itself: In fact, the bright lights on the VCU tier reflected off the Plexiglas covering in such a way that it was difficult even to clearly see the faces of prisoners who were standing directly in front. The added barrier on the front of each cell also intensified the perception of confinement and isolation from inside the cell. Perhaps for this reason, the prisoners called the VCU “bedrock.”

Other supermaxes have managed to add to the punishment meted out in an already deprived and punitive environment in a variety of other ways. For example, inside New York’s version of supermax—what they call Special Housing Units (SHUs)—some 4,500 prisoners are kept under their standard but already very severe supermax regime. The prisoners

generally live in cells an average size of 56 square feet, behind bars, Plexiglas or thick metal doors. They are “cell-fed” through “feed-up” slots in the doors. Whenever they leave their cells, they are mechanically restrained with handcuffs attached to waist chains and leg irons if they are considered seriously violent or escape-prone. Prisoners in SHU cannot work or go to school. (Correctional Association of New York, 2004, p. 47)

Of course, this is the basic, standard fare in supermax. Again, however, authorities face the problem of what to do when prisoners living in this severely deprived environment act up (as, inevitably, people living under these kinds of harsh conditions do). Prison officials in New York respond by imposing what are called “deprivation orders”—described as “a regimen of increasingly harsh punishments” that include “loss of recreation, showers or haircuts,” and can include mechanically restraining prisoners with “handcuffs, waist chains and leg irons during recreation in an outdoor cage” (Correctional Association of New York, 2004, p. 52). Another form of “extra” punishment occurs in the New York supermaxes when prisoners are put “on the loaf”—fed only a “dense, binding, tasteless one-pound loaf of bread that is served to inmates three times a day along with a side portion of raw cabbage” (Correctional Association of New York, 2004, p. 53).

Apparently, these extra punishments are imposed on any supermax prisoner who violates a rule, no matter their mental state or, it would seem, their ability to conform their conduct to the requirements of the unit. Thus, when a sample of mentally ill prisoners was evaluated by an outside monitoring group in New York, they found that nearly 20% of the psychiatrically disturbed prisoners had received 10 or more deprivation orders during their

stay in SHU (Correctional Association of New York, 2004, p. 23) Over one third of the mentally ill SHU inmates sampled reported being put on the loaf, and one of them was kept on this restricted diet for 9 months (during which time he lost 65 pounds).

Unfortunately, even the noncustodial supermax staff are contaminated by the punitive, security-obsessed environment in which they must work. They are not immune to the ecology of cruelty that exists in many of these units (and they are powerless to change it). Thus, their professional roles and practices may be distorted and compromised by the pressures and influences that are created inside supermax. In fact, in some supermax units the obsession with security has resulted in the mental health staff's interactions with prisoners becoming increasingly strained and unnatural, sometimes bordering on the bizarre.

Indeed, it is hard to imagine a respectable therapist or clinician anywhere in free society conducting a diagnostic interview or counseling session in an open hallway, while other prisoners in the cellblock listen in and correctional officers—with whom many prisoners have extremely hostile and contentious relationships—stand watching over them, within earshot, from a few feet away. It is hard to imagine a clinician anywhere else in society even attempting a therapeutic interaction with a patient who is standing or sitting inside a thick metal cage—one or another configuration of the so-called “programming cages” that have begun to appear in supermax units across the country. In some supermax units several of these grotesque stand-up cages are arranged in a semicircle—a kind of “only in supermax” parody of an actual “group therapy” session. There are actually some prison clinicians who have arranged to have single steel cages installed inside their offices, so that they can “treat” a caged supermax or administrative segregation “patient” while they sit behind their desks. The sight of these cages is startling and underscores how truly perverse the concept of “mental health” and “treatment” has become in some of these units.

Indeed, whatever routine contact prisoners have with mental health staff in most supermaxes typically occurs through the bars or door of a supermax cell, in so-called “cell-front” therapy (or what prisoners refer to as “drive by”). But this is not all. The staff member is often required to wear a bulky flak jacket and may even “interact” with his or her patients through the distorting lens of a clear plastic spit shield that is fitted over the staff member's head. Some units have a large plastic protective shield on a metal track so that it can be pushed down the tier, setting up a moving transparent wall between the prisoners in their cells and anyone who enters the cell block—including the clinicians, who must then treat their “patients” through the clear Plexiglas shield between them. Well-intentioned mental health staff make do with these arrangements. It is indisputable, as many of them say, that these bizarre and contorted encounters are “better than nothing.” And so, perhaps, they are. But there is little opportunity for genuine interaction, trust, or rapport building, or even a moment of genuine normalization in the interactions that take place between them. Here, too, it would be naïve to assume that these working conditions do not take a toll on the persons who are exposed and become accustomed to them.³

Thus, even with mental health staff, there is a powerful psychological message conveyed by the architecture of containment, separation, and isolation that dominates the supermax environment. It wears on the prisoners but surely has a corresponding effect on the staff. When combined with the sheer starkness and deprivation of the environment, the technologies and implements of forceful custodial restraint and control, a special ecology is created. This ecology is fairly described as “cruel” for the simple reason that it inures people to the suffering of others and because it is designed and operated in ways that give staff members

little choice but—by merely following procedure—to likely add to that suffering. In the final analysis then, the physical environment and procedural routines that characterize the typical supermax surely have a psychological effect on the thoughts and actions of the people who live and work there, one that unfortunately pulls and pushes the staff in the direction of engaging in—or at least tolerating—more extreme and potentially abusive treatment.

THE DYNAMICS OF DESPERATION

There is an intense interpersonal reciprocity that characterizes the supermax environment, more powerful than in other prison settings. Long-term confinement, in a small space, with high levels of frustration and few degrees of behavioral freedom builds on the basic prison dynamic, creating tensions that are easily magnified as they accumulate and compound. Such pressurized contact not only provides the occasion for conflict and violence, but also precludes the routine “reality testing” that is intrinsic to normal social existence. Thus, the interactions between guards and prisoners in these units are always at risk of devolving into increasingly tight spirals of negative expectation, conflict, and recrimination. To cite some of the social psychological dynamics at work here is perhaps to belabor the obvious. But the operative mechanisms have been carefully documented in a variety of different settings, and they transpire in supermax with a vengeance.

These processes are set in motion from the outset, upon a prisoner’s arrival in supermax. Neither group—not the prisoners nor the guards—starts with a blank psychological slate. In fact, expectations and events that almost always precede supermax confinement are likely to intensify the negative edge on the inter-group interactions that take place in these units. Once the interpersonal processes are set in motion, there is little in the supermax environment to slow down or reverse them. For all of the reasons discussed in the preceding sections, and some that I will identify below, they are likely to gather momentum.

For example, as David Lovell (2008) astutely observes, “[p]unitive or scolding attitudes in a hearing officer can solidify rather than resolve the initial conflict” that led to supermax placement. Moreover, as he also notes, the same conflict can be solidified “when inmates are classified without taking account of their full history, causes of disruptive behavior are misread, along with the inmate’s likely response to the strictures of a supermax regime” (Lovell, 2008, p. 1000). Yet these problematic scenarios reflect the normative rather than exceptional cases in most supermax units.

Indeed, the “scolding” attitudes that Lovell rightly questions would be a welcome dampening down of the atmosphere and attitudes that actually prevail inside many of the supermaxes with which I am familiar. Moreover, even in those exceptional systems where conscientious hearing officers do attempt to take these complex factors into account, they are subject to disapproval (and stonewalling) by line officers who lack access to the same information and, from their perspective, do not have the luxury of taking it into account in practice anyway. All of this is by way of saying that except in very rare instances—unusually well-run systems, courageous correctional administrators who insist on doing things differently, or court orders that force decision makers to hone in on at least some of these issues—the typical supermax prison is full of prisoners who have come into the unit with the “initial conflicts” that got them there having been “solidified,” and then some.

Add to that the fact that most prisoners come to supermax units at the worst moments of their prison careers. In addition to the disproportionate number of mentally ill prisoners there, many new arrivals in supermax are in the throes of a psychological crisis of some sort that helps to account for the behavior that has led to their disciplinary infraction(s). Whatever underlying personal or situational issues that may explain their disturbed or agitated or aggressive state, the prison system has likely ignored them, deciding instead to respond to the prisoner's disruptive behavior by punishing him further. Thus, prisoners who have proven that they are unwilling or unable to conform their conduct to the requirements and rigors of mainline prison life are now expected to do so in a much more severe, punitive, psychologically stressful environment. Many of them will be unable to do so.

Many supermax prisoners find that their temporarily degraded psychological state is worsened by the especially stressful set of situational factors they confront there. However, the resulting behavior is likely to be interpreted by supermax staff entirely in terms of their character traits—a reflection of who they are rather than what they are going through. Social psychologists have long studied the process by which these kinds of judgments are made about the causes of other people's behavior. Fritz Heider (1958) demonstrated years ago that people intuitively attribute motives and intentionality to the actions they see others engage in. The tendency is so deep-seated that Heider's research participants would attach purpose to the otherwise random meanderings of dots on a screen. Attribution theorists broadened the analysis to identify what they termed a "fundamental attribution error" (Ross, 1977)—a widespread tendency to attribute the causes of behavior we observe actors engage in to their presumably stable internal characteristics. We are likely to do this even when there is reason to believe that the behavior in question has been heavily influenced, if not completely determined, by the circumstances under which it occurs—a fact that accounts for it being labeled an attribution "error."

Supermax is an almost perfect environment in which to amplify fundamental attribution error. Prisoners and guards see one another in only one setting—a powerful situation, to be sure, and one that is likely to elicit relatively consistent behavior from both groups within it. It is all too easy to mistake this situationally produced consistency for constancy in character. As would be expected, studies of aggression in various institutional settings find that staff members tend to see the causes of inmate violence primarily as residing inside those who engage in it, whereas the inmates attribute their behavior to external and situational triggers (e.g., Duxbury, 2002; Ilkiw-Lavalle & Grenyer, 2003). Moreover, as Toch (2001) noted, it is tempting "to confuse the effects of problematic behavior—its nuisance value—with its intent, although we ought to recognize that a great deal of acting out consists of helpless outbursts or retaliatory rage" (p. 378).

In any event, the dysfunctional adaptations of supermax prisoners are often attributed to their dispositions—antisocial traits, character flaws, or predatory natures—rather than the characteristics of the setting in which they are forced to live. Those kinds of attributions tend to harden over time. Supermax prisoners are often judged and demonized so effectively that some of them grow into their reputations, and those who acted in ways that warranted those reputations initially find they cannot grow out of them.

Guards make these natural attributional inferences and act accordingly. So, too, do prisoners. Correctional officers are typically performing within the relatively well-defined and enforced strictures of an occupational role, and their behavior is subject to a range of powerful professional and peer pressures, not to mention the many situational forces I have

discussed throughout much of this article. Yet prisoners are likely to succumb to the attributional inference that the guards' relatively consistent behavior reflects something enduring about them as people, rather than about the pressures of the job and extreme nature of the environment in which they work. In both instances, the fundamental attribution error works against empathy and understanding and is likely to increase tensions between both groups.

In a related way, the supermax environment is also almost ideally designed to maximize the operation of complex psychological processes through which derogatory social stereotypes are perpetuated and exacerbated. In prisons in general, the stereotypic expectations that prisoners and guards have for one another are fertile ground for what social psychologists have termed "behavioral confirmation" (e.g., Klein & Snyder, 2003; Snyder & Klein, 2005; Snyder, Tanke, & Berscheid, 1977), explaining why stereotypes translate so often into self-fulfilling prophecies. In prison settings, the views that both prisoners and guards hold of each other become intertwined with the behavior in which each group engages. The stereotype-driven behavior that implicitly elicits (and thereby confirms) those pre-existing stereotypes convinces each group that they are "right" about each other.

But the self-fulfilling prophecies that come about are more potent in supermax for several reasons. One is that the initial stereotypes are more uniform and powerful—after all, these prisoners are the "worst of the worst." Everyone says so. Such a uniform and powerful stereotype is more likely to have a controlling effect on behavior. Second, the behavior of prisoners in supermax is more highly dependent on and, therefore, more significantly shaped by the stereotype-driven behavior of the guards. As noted earlier, prisoners in supermax actually "do" almost nothing that is not in some way potentially conditioned—permitted or controlled—by the behavior of the guards. Finally, in a related way, the prisoners have so few degrees of behavioral freedom that opportunities to definitively counter the stereotypes that the guards have of them rarely occur.

This latter point—the way in which supermaxes narrow or constrict the range of possible behavior on the part of prisoners—bears additional emphasis. In their degraded state, brought about by the deprived circumstances under which they live and their absolute dependency on their captors, much of the prisoners' humanity is suppressed, hidden, shielded from view, or disfigured. They are their reputations, regarded in terms of their previous outbursts or the degraded physical and mental conditions to which they have sunk. As I say, it is hard for prisoners to initiate behavior at all in these places, let alone to act and represent themselves as full human beings with true personhood and multidimensional lives and relationships that predate their stay in supermax. To be sure, there is nothing in the day-to-day limited and contorted interactions they have with guards and other staff to remind those in charge of who they really are, were, or could become. A self-fulfilling prophecy is created in which guards see prisoners acting in precisely the degraded terms and within the narrow dehumanized constructs that have been assigned to them, confirming their disparaging views, and justifying—even escalating—their mistreatment.

Pierre Bourdieu (1991) has written about the particular way that an institution communicates—creates—an identity for inmates: "It signifies it to him and imposes it on him by expressing in front of everyone and thus informing him in an authoritative manner of what he is and what he must be" (p. 121). The supermax environment not only reminds the guards who the prisoners are—the guards, after all, are the ones who have to enforce this derogated identity on the prisoners—but also tells them who they are. The way they are dressed, the weapons at their disposal, the limited options they have to

resolve conflict primarily through forceful subjugation and increased punishment are all messages about their identities as well.

In addition, because supermax units are often “in crisis”—a weapon has been found, an especially angry and confrontational prisoner has been brought into the unit, a mentally ill prisoner recently attempted suicide, a violent cell extraction has just occurred—they are periodically defined by the staff as places where ordinary rules and norms and standards of decency are suspended. Correspondingly, the staff may come to believe that such rules and norms and standards explicitly do not and should not apply to them. It is not just that “[a]s conflict escalates, cohesion within groups increases, [and] concern for fairness between groups shrinks” (Opatow, 1990, p. 6) but also that the concept of fairness itself is at risk of disappearing. Because the crisis- or exigency-driven nature of supermax means that the rules and norms governing what is decent, proper, and humane are often suspended, staff members can begin to feel over time that they have been given the implicit permission to, in a sense, create their own standards. When this happens, supermax prisoners can be “morally excluded” by staff, placed in a kind of alternative moral universe that is free of the ethical constraints of the larger society, with no accountability to those norms.

As I say, crises are not infrequent in supermax, and both prisoners and guards are implicated both in precipitating them and ensuring that they persist. Toch (2001) has wisely pointed out that “restrictive regimes invite games of cops and robbers. Rules spark efforts to evade them, and regimentation breeds resistance” (p. 382). He also certainly knows that over time, there is nothing at all gamelike about the confrontations that ensue; as he says, “a climate of trench warfare” (p. 382) is often created. Eventually, however, a culture of harm can emerge in which the harsh application of the rules becomes functionally autonomous, pursued for its own sake, the motivation for proceeding having been disconnected from its original purpose. For the guards, the goal becomes simply to enforce one’s authority, to subjugate the prisoners to the demands of the unit, no matter the cost, and to dominate them in the end by making them pay for whatever resistance they have demonstrated.

From the prisoners’ perspective, what is at stake is sometimes experienced as something different and deeper. Because so much of their identity comes to be defined by the social realities of the supermax environment—indeed, they have no other to fall back on—they come to believe that nothing short of their personhood is in the balance. Just as in closed-ward psychiatric settings, increased punishment is experienced by inmates not as the just imposition of consequences but “as an attack on his/her person” (Whittington & Richter, 2005, p. 385). Over time, these confrontations escalate because both sides lose sight of alternative courses of action:

The longer the interaction lasts and the more it escalates, the fewer options are available. A very important feature of escalating interactions is the endpoint where one actor only reacts aggressively to the perceived aggression of the other actor. Both actors are thus subjectively defending themselves against the other. (Whittington & Richter, 2005, p. 385)

To illustrate the ways in which some of these dynamics operate to heighten the risk of mistreatment in supermax, consider the following scenario, depicting the kind of problematic interactions that occur routinely—on a weekly if not daily basis—in many of these units. A supermax prisoner who is known to suffer from emotional problems, one who is on the mental health caseload and has attempted suicide in the past, begins to feel anxious and agitated one morning. It has been some time—weeks rather than days—since he has seen his

assigned clinician, and he knows that today is one of the times when some of the clinicians who visit the supermax will be coming to the unit to check on their patients. He asks a guard if his particular clinician is coming and, a short time later, is told that she is. The prisoner has no way of knowing whether the guard actually checked and, from his perspective, there have been many times in the past when the staff has lied to him. So his anxiety is not allayed. The prisoner, for his part, is regarded by the staff as especially demanding, sometimes manipulative, and occasionally a troublemaker. The guard may or may not have bothered to check. If he did not, his failure to do so could easily have been an innocent oversight in the course of a busy day, rather than an intentional slight. Neither the guard nor the prisoner will get the benefit of each other's doubt in the events that will follow.

The prisoner waits alone in his cell, experiencing increasing distress. There is nothing to do, of course, no way to distract his racing thoughts or release his tension. Instead, his agitation builds throughout the day. He inquires several more times about the whereabouts of his clinician, and each time is told that she will be there eventually. Of course, the staff is increasingly annoyed by his ceaseless pestering. By the end of the day, when the prisoner asks one final time—this time extremely agitated and upset—the guards tell him, “sorry, I guess she’s not coming; all of the clinicians have gone home.” The prisoner immediately explodes into a violent spasm of anger, banging his fists and kicking at his cell door in frustration, and screaming and yelling vulgar epithets that he directs at the guards and anyone else he can think of. He demands to see the unit lieutenant, insisting that the lieutenant can contact his clinician and get her to come see him.

The prisoner angrily tells the guard that the situation is desperate and he will not stand down. The guard asks if he is declaring a “crisis”—the magic words that will precipitate a move from his cell to the dreaded suicide observation cell elsewhere in the prison. He says that he is not, that he does not want the unit “move team”—this supermax prison’s equivalent of a cell-extraction team—to come for him but is insistent that he wants to see the lieutenant and continues to demand that someone get his clinician and bring her to see him.

This intense exchange continues for several minutes until, finally, the guard—by now exasperated and very angry himself—gives up and calls for the move team. The prisoner is rushed in his cell by a team of helmeted and armored officers who gas him, throw him to the floor, force him into handcuffs and chains, and carrying him off, somewhat bruised and battered, to the suicide observation cell. Once there, he is stripped naked (by having his clothes cut off his body), placed in a paper gown, put on the cold, hard concrete “bunk” in four-point restraints. A correctional officer is stationed a few feet outside the cell and keeps visual watch over him for the rest of the night. Of course, the prisoner will be written up and punished for this serious disciplinary infraction, his stay in supermax likely extended as a consequence.

For both the prisoner and the guards involved, the sequence of events no doubt confirms and hardens their most negative beliefs about each other. From the guards’ perspective, the prisoner has demonstrated that he is weak, sniveling, overly demanding, and manipulative and someone who not only cannot be reasoned with but also who is capable of violent outbursts in response to the slightest provocation (or no provocation at all). To them, the events once again confirm the wisdom of controlling prisoners like this by applying the maximum amount of force and employing whatever weapons the staff has at their disposal to achieve the necessary domination.

The prisoner, on the other hand, is shamed by his loss of control and humiliated by the public display of his desperate need for mental health attention. He knows that it has made

him look weak and vulnerable in front of the other prisoners; he resents the guards for forcing his hand in this way, holds them responsible for this loss of face, and knows he will have to publicly demonstrate his “toughness”—somehow—to make up for this. His sense of helplessness is also deepened. The sequence of events confirms his beliefs that he is surrounded by a sadistic group of guards who not only do not care about his mental illness and the anguish he experiences in supermax but are willing to forcefully repress his desperate calls for help and then add to his punishment in the aftermath. He may privately vow to seek revenge for being treated so badly, or become so despondent over this painful and hopeless situation that he again attempts to take his life.

All too often, supermax brings together a perfect storm of social psychological pressures and influences, and a set of counterproductive interpersonal dynamics that cannot be transcended by either the prisoners or the guards. David Lovell astutely summarizes the way these general processes operate in the case of disturbed supermax prisoners:

Prisoners classified as disturbed had shown, some more chronically than others, patterns of thinking and feeling that were poorly adapted to their settings; and the predictable response of the institution were sufficiently distressing that they resorted to measures that only made their predicament worse” (p. 999).

Yet precisely this description is often broadly applicable to many prisoners in supermax, regardless of whether they have been classified as disturbed. Most if not all supermax prisoners are “poorly adapted” to this setting, one where the programmed institutional responses frequently make their predicament worse.

Indeed, as I have suggested, these forces combine and coalesce over time to produce a culture of harm—one in which both prisoners and guards become lost in their own animosity toward one another and where guards, in particular (because they have far more power and many more degrees of freedom over whether and how they act) not only become indifferent to the suffering of prisoners but begin to take initiative to worsen it. I have called it a “culture” of harm because the atmosphere in supermax reflects much more than a transitory mood or fleeting set of views. Instead, there is a shared perspective, a commitment to a common set of values, and a set of traditions that are passed along from older to newer guards. Indeed, newcomers to the ranks are inculcated—enculturated—with the supermax ethos. Moreover, the way in which most supermax units are set off from the rest of the prison or complex of prisons where they operate, and the geographical isolation of many of these places, adds to the extent to which a separate world and worldview is often created and maintained inside.

COMBATING A CULTURE OF HARM

There is some evidence that the penal harm policies of the past several decades have begun to run their course. There is a renewed, surprisingly unapologetic commitment to rehabilitation that has begun to be openly expressed (at least in some quarters), a frank recognition of the need for sentencing reform, and a heightened awareness of the importance of developing effective strategies for reintegrating prisoners into the free world communities to which nearly all of them will return. But the commitment to penal harm is alive and well in supermax prisons. Indeed, supermax may be both the last true vestige of the penal harm movement and perhaps its most extreme expression. It persists despite the

condemnations, calls to end the use of solitary confinement, and proposals for drastic reform from distinguished scholars and human rights organizations that I cited at the outset of this article. Supermax has proliferated despite empirical evidence suggesting that its existence has done little or nothing to reduce systemwide prison disorder or disciplinary infractions (Briggs, Sundt, & Castellano, 2003) and more recent evidence that it actually may contribute to elevated rates of recidivism (Lovell, Johnson, & Cain, 2007).

Supermax environments continue to be structured and operated in ways that are designed to deprive, diminish, and punish. In this article I have suggested that just as the degrees of freedom for supermax prisoners are highly constrained and constricted, so too are they for the guards who work inside. Correctional officers get no acknowledgment or consideration for the toll this exposure exacts on them, or appreciation for the ways in which the experience is likely to change them—on the job and off. Yet persons charged with the responsibility of implementing the procedures and enforcing the rules of a regime that deprives people of most of the things that make them human are at grave risk of losing a little humanity themselves. For this reason among others, supermax environments are especially prone to having abusive patterns of behavior become routine and a general atmosphere of inhumane treatment to emerge. It behooves us to take these risks more closely to heart.

Chase Riveland, a corrections expert who has analyzed and assessed many supermax-like prison settings (Riveland, 1999), has often referred to the “culture of control” that can arise within them. I have argued that the culture of control that is created inside supermax prisons has a tendency to devolve further into a “culture of harm.” They are places so devoted to controlling every aspect of a prisoner’s behavior primarily (if not exclusively) through deprivation and punishment—the infliction of pain—that staff members are likely to become inured and insensitive to the hurtful consequences of the actions that the environment obligates them to take. They are pushed in the direction of ignoring the suffering of prisoners and routinely blaming them for their own demise. The harm of supermax is minimized, seen as unproblematic, its potentially disabling consequences normalized.

Most proposals to reform supermax include many of the very same elements, expressed in somewhat different ways, with slightly different emphases. They all have much to recommend them. Virtually all of the thoughtful ones concede that the core supermax regime—at least as presently constituted—cannot be operated in a humane way. My focus here has been to underscore the importance of taking guard behavior explicitly into account, both as an element of supermax harm and as a significant target of institutional reform. But the basic lesson of this analysis is that prisoners and guards are locked in a reciprocal embrace in supermax. Overall, conditions of confinement must be taken into account, both in assessing and in reducing the harm created by these units, because they adversely affect both groups.

As I have argued throughout this article, because of the core premises on which they are founded, the way that they are physically structured, and the manner of their operation, there continues to be a heightened potential for abuse in supermax prisons. The culture of harm that results is largely independent of the initial predispositions and preferences of the persons who work there, rendering supermaxes more likely to degenerate into places where various forms of mistreatment—from callous indifference to the suffering of prisoners to their outright physical abuse—become commonplace. The heightened potential of supermax to generate cruelty and mistreatment must be made part of the equation by which these places are reformed, if not eliminated. The ever-present danger that cruelty may emerge must be safeguarded against. Better guards, better training, to be sure, but ultimately better conditions as well.

A little more than a decade ago, Mona Lynch and I reviewed the existing literature on the harmful effects of solitary and supermax-type confinement (Haney & Lynch, 1997). We ended that lengthy discussion with a proposed list of “limiting standards” that we suggested should be enforced in such units (Haney & Lynch, 1997, pp. 558-566), ones that were “rooted in the psychological literature and intended as the basis for a more effective, realistic, and psychologically meaningful oversight” of supermax (Haney & Lynch, 1997, p. 560). Many of our proposed standards were designed to prevent or limit the potential damage of the harsh supermax regime on prisoners, including due process protections for all prisoners in advance of their placement in supermax (irrespective of the purpose for that placement); screening prisoners out of supermax if their medical or mental health conditions made them especially vulnerable to the harmful consequences that we identified; prohibiting the placement of prisoners in supermax that whose disciplinary infractions resulted from pre-existing psychiatric disorders; placing severe time limits on the duration of confinement for all prisoners (prohibiting total isolation and extreme segregation of the sort that occurs in “dark cells,” while permitting somewhat longer periods of isolation for less draconian segregated housing); monthly mental health evaluations to determine continued fitness for segregated housing; and access to therapy, work, educational, and recreational programs and visitation—comparable to what is offered in mainline units—for prisoners confined in supermax for longer than 3 months.

Of course, the implementation of these prisoner-oriented standards would go a long way toward changing the culture of harm that characterizes many supermax units. It certainly would require prison officials to run a fundamentally different kind of facility, populated by a different group of prisoners than at present. However, we also recommended standards that were designed to address the role of the correctional staff, including requiring specialized staff training that addresses the unique psychological stressors that supermax imposes on prisoners and guards alike; providing instruction in recognizing and responding to signs of psychological trauma and the psychopathological effects of isolation; and carefully monitoring staff not only for the possible use of excessive force but also for indications of deteriorating behavior in the face of adverse working conditions. Finally, we recommended the periodic rotation of staff out of these units “to ensure that they maintain a broader perspective prisoner behavior and the range of potential relationships between staff and inmates” (Haney & Lynch, 1997, p. 566). Unfortunately, no supermax regime of which I am aware has seriously addressed the bulk of our concerns or implemented even a meaningful subset of these important limiting standards.

Much more recently, as I noted at the outset of this article, a group of international trauma experts critically examined supermax-type confinement. They, too, concluded that it should be drastically limited, and made a series of proposals for reform. Although relatively modest in scope, and eminently reasonable in conception, they are recommendations that, as I noted, would end supermax as we know it in the United States. These reforms included:

[R]aising the level of prison staff–prisoner contact, allowing access to social activities with other prisoners, allowing more visits, and allowing and arranging in-depth talks with psychologists, psychiatrists, religious prison personnel, and volunteers from the local community. Especially important are the possibilities for both maintaining and developing relations with the outside world including spouses, partners, children, and other family and friends. It is also very important to provide prisoners in solitary confinement with meaningful in cell and out of cell activities. (International Psychological Trauma Symposium, 2007).

Here, too, the goal is to change the ideology and transform the paradigm on which supermax is founded. Nothing short of significantly redesigning the ecology of supermax to emphasize caring over cruelty and drastically reducing or eliminating the level of deprivation that prevails will do. The Istanbul trauma experts understood that with few exceptions, supermax prisoners need more contact not less—contact with caring professionals who can facilitate programming into productive activities, contact with other prisoners with whom they can construct a semblance of normal life in prison, and contact with their families and the outside world and the other people to whom they ultimately will return.

Many supermax units periodically seethe with anger and tension, having become places where outright physical confrontation and abuse simmer just below the surface. The crucible of the typical self-contained supermax unit is filled with difficult-to-manage prisoners and guards who have few options to improve on the prisoners' already problematic track records. Both groups are very much at the mercy of powerful situational forces and pressures around them. To be sure, these distinct and adverse aspects of supermax worsen the experience for prisoners. But they raise as yet empirically unexamined questions about the long-term psychological effects on correctional staff of working under supermax-type conditions as well. And they caution us against what I believe is a naïve view of supermax reform suggesting that modest tinkering with its basic design can produce a meaningful beneficial or palliative response. A comprehensive set of changes or reforms would not only create a more humane environment for prisoners to live and guards to work in but also minimize the inherent potential for cruelty and abuse in supermax.

NOTES

1. The “new policies” that were implemented certainly did not stem from any significant scientific breakthroughs or important new data that had surfaced during this period, suggesting that the penal harm approaches were likely to work. In fact, if anything, the underlying scientific paradigms were shifting decidedly in the opposite direction. Had the emerging research on the social historical causes of crime and the importance of immediate social context been acknowledged and relied on in the development of crime control and penal policy, an entirely different, far more preventive, and much less punitive strategy would have been pursued (Haney, 2006).

2. It is worth noting that otherwise thoughtful courts have picked up this “worst of the worst” lingo and repeated it, without ever bothering to define it, as in: “Supermax Correctional Institution is a . . . supermaximum security facility . . . designed to incarcerate the worst of the worst offenders” (*Jones 'El v. Berge*, 2001, p. 1096). I cannot speculate on their reasons for doing this, but the fact that the terminology has made its way into judicial opinions means that it has become part of the lexicon by which the apparent legitimacy of supermax is preserved.

3. It is important to acknowledge that mere contact with mental health workers is no panacea for the debilitating effects of supermax. There are countless caring professionals in these environments who work under conditions that, almost by definition, preclude them from doing their jobs. Eventually, for some, the toxic ideology and ecology of cruelty will begin to take a toll. Thus, Rhodes (2002) reported interviewing mental health workers in supermax who believed a number of their prisoner-patients were not human—indeed, that they were “evil in the biblical sense” (p. 452). Anyone who has spent any considerable time speaking candidly with a wide range of prison clinicians has heard these kinds of comments or worse. Perhaps because the need for adequate mental health services in supermax is so pressing (and too often unmet), we have been content to measure them in terms of the sheer number of available personnel or contact hours. Here, too, the conditions under which clinicians must work and, in turn, how they are changed and affected by them, are often ignored.

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