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# Violence in the Supermax

## A Self-Fulfilling Prophecy

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The supermax prison was designed to control the most violent, assaultive individuals, gang members, and other prisoners who could not be managed in less secure settings. Pelican Bay State Prison, which houses California's supermax, holds approximately 1,300 inmates in its security housing unit (SHU). This article examines the mission, architecture, and organization of Pelican Bay State Prison, the architecture and procedures in the SHU, the training and mind-set of correctional officers who work at Pelican Bay, the inmate culture and mentality, and the findings of the federal court in *Madrid v. Gomez*, which addressed conditions in the SHU. The authors maintain that the mission of Pelican Bay, combined with the officer and inmate cultures, creates a self fulfilling prophecy: the super violent supermax.

**Keywords:** *supermax; inmate culture; correctional officer culture; Madrid v. Gomez*

The supermax prison was designed to contain the predators in prison, those who simply will not conform to prison rules, those who attack and kill other inmates and staff: in other words, the "worst of the worst." This article examines the mission of California's Pelican Bay State Prison, including the architecture and organization of Pelican Bay, the architecture and procedures in the special housing unit (SHU), which is the supermax component at Pelican Bay, the training and mind-set of the staff, and the inmate culture and mentality. Also examined are the events that led to the creation of the supermax prison in California and findings of the federal court in *Madrid v. Gomez* (1995), which addressed conditions in the SHU. We conclude that the mission of Pelican Bay, as conceived by the California

Department of Corrections and Rehabilitation (CDCR), combined with the officer and inmate cultures, predictably create a self-fulfilling prophecy: the super violent supermax. We end this article with suggestions for changes designed to decrease the violence.

## What Is a Supermax?

In 1997, LIS, Inc., a research group, defined supermax housing in a report for the National Institute of Corrections (NIC) in the following way:

A freestanding facility or distinct unit within a facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or serious and disruptive behavior while incarcerated. Such inmates have been determined to be a threat to safety and security in traditional high security facilities, and their behavior can be controlled only by separation, restricted movement, and limited direct access to staff and other inmates. (p. 1)

Moving away from the treatment model, the Federal Bureau of Prisons and many states have created supermax units or facilities designed to control the most troublesome inmates (see Austin & Irwin, 2001; Silverman, 2001). A penal philosophy has emerged within which prison systems use long-term solitary confinement in a supermax facility as a proactive policy of inmate management. This policy seems to have derived from the federal penitentiary in Marion, Illinois, and has been dubbed "Marionization" (Haney & Zimbardo, 1998). The most violent and dangerous offenders are removed from other institutions and placed in the supermax prisons, where they are housed in their cells alone for up to 23 hr each day. They are offered no training, education, or treatment. Monitoring their every movement are the custodians of the prison, who are fully aware they are dealing with the worst of the worst. In addition, the inmates are aware that they have been defined as the most predatory, violent, intractable inmates in the system.

The 1960s were a tumultuous time for prisons in California. The California Department of Corrections (CDC), as it was formerly known, responded to prison violence by creating adjustment centers (Austin & Irwin, 2001). CDC housed its most violent inmates in adjustment centers. These adjustment centers were prisons within prisons. They utilized intense programming, close monitoring, and demanded strict adherence to the rules. These centers were originally designed to house inmates for 3 months, after which the

inmates would go back into general population. However, the centers soon became long-term solutions, and inmates were kept in these high-max units for extended periods of time. California prison officials were dealing with emerging gangs, such as the Mexican Mafia, La Nuestra Familia, Aryan Brotherhood, and the Black Guerilla Family. These gangs helped prisoners survive and cope in the increasingly violent atmosphere in California prisons, providing members with social, economic, and security services (Weinstein & Cummins, 1996).

Several authors have described the increasingly violent nature of American prisons after the demise of the rehabilitation ideal. Toch, in 1988, described American prisons as “human warehouses with a jungle-like underground” (p. 25). Irwin (1980) described the “state raised youth” who were entering American prisons. These were violent young men, with networks that extended to the outside, who divided the prison population, forcing inmates to join a gang or suffer the consequences. In the California prison system, inmate fights and yard attacks escalated, resulting in the deaths of both inmates and officers. Inmate assaults on guards rose from 32 statewide in 1969 to 84 in 1973 (Shakur, 1996). A riot at San Quentin State Prison in 1971 led to the death of three inmates and three officers. In 1987, prisoners believed to be gang members were released from segregation into general population, leading to increased violence at Folsom Prison. At Corcoran State Prison, in 1988, all rival groups were “integrated,” which meant they were allowed on the exercise yard together. Corcoran began to average two to four assaults per day (Shakur, 1996). Hearing of the increasing prison violence, the public demanded a crackdown and called for more secure institutions to house these violent predators.

CDCR responded by building the SHU at Pelican Bay (Weinstein & Cummins, 1996). Critics point out that CDCR’s integration policy was responsible for the increasing prison violence and was simply designed to justify the immense cost of building and running a supermax prison (Shakur, 1996).

## Mission of Pelican Bay SHU

The SHU at Pelican Bay State Prison is one of the largest supermax prisons in the country. The CDCR (1993), in its *Institutional Profile*, defines the mission of Pelican Bay State Prison in the following way:

Pelican Bay State Prison is designed to house the state’s most serious criminal offenders in a secure, safe, and disciplined “state of the art” institutional

setting. The prison includes two facilities for maximum custody general population inmates, two Security Housing Unit (SHU) facilities for problem offenders, and a 200-bed minimum custody unit. The SHU is a one-of-a-kind design for inmates who are management cases, habitual criminals, prison gang members and violence-oriented maximum custody inmates. (p. 1)

This institution opened in 1989 and was designed to accommodate 2,280 inmates. In addition to the 200 minimum custody inmates, Pelican Bay's two Level-4 units were designed to hold a total of 1,024 inmates. The SHU was designed to hold 1,056 inmates. Located in a remote area in the northwest corner of California, Pelican Bay State Prison cost \$277.5 million to build. A high-voltage electrified fence, which is fatal if touched, surrounds the prison, which employs about 1,500 people. Its annual budget is \$180 million. The minimum custody unit now holds 400 inmates, and both Level-4 units and the SHU are overcrowded, with a total institution population of nearly 3,500 in mid-2007.

## Security Housing Units

The following description of the SHU at Pelican Bay derives from the authors' on-site observations and interviews with Pelican Bay SHU staff in July 2001. Additional telephone interviews were conducted in 2006. The SHU contains all inmate housing and support functions in the same X-shaped complex. There are 132 eight-cell pods. Six pods with eight cells surround every control unit, totaling 22 separate SHU units. There are four cells on the bottom tier and four cells on the top tier in each pod. The pods are lit by sunlight coming through heavy Plexiglas skylights. Cell doors are steel, covered with densely perforated mesh, designed to inhibit inmate assaults on staff. On some cells, thick Plexiglas covers the mesh. There is a shower at the end of each tier. Individual cells contain toilets with no removable parts, a small shelf, a concrete stool, and a poured concrete slab molded into the wall for a bed. Each cell measures 80 sq ft. There are no windows in the cells. Because of overcrowding, some cells house two inmates, but most of the SHU inmates live in isolation. All clothing, bedding, and personal items are x-rayed before being allowed into the cells.

The pods are arranged in a semicircle around each control room. In the control room, which is elevated to enhance observation capabilities, an officer monitors activity in each of the pods. Each control room contains assault rifles, which are allowed in California institutions. In addition to an unobstructed

view of all six pods, the control room officer monitors and controls movement in the pods and their connected exercise yards via closed-circuit television cameras and a speaker system. The officer controls all entrances and exits from the pods by electronically operated doors. A network of secure corridors throughout the SHU connects the entire complex. These corridors have two levels. Inmates and their guards travel on the lower level. The floor of the upper level is made of heavy metal mesh. A correctional officer walking on the mesh provides added security by tracking each inmate's movement with a rifle.

The SHU at Pelican Bay is entirely automated, thus eliminating the need for officers to routinely interact with inmates. Except for occasional movement through the SHU and to the exercise area, inmates have no face-to-face contact with staff or other inmates. They eat in their cells from trays passed through food slots in the door. Once a day for 90 min, inmates are taken to a 26- by 10-ft exercise yard surrounded by a 20-ft cement wall. They are given no recreation equipment. An officer with less lethal and lethal weapons monitors the yard from a secure enclosure above the exercise area. Inmates exercise in isolation, except for those housed two to a cell, who exercise together. Inmates are strip-searched before and after exercising.

Inmates in the SHU wear jumpsuits when being moved that distinguish them from other inmates housed in Pelican Bay. Inside the SHU they are clothed in boxer shorts, T-shirts, socks, and shower shoes. In the pod, cell doors are opened and closed electronically. Only one inmate at a time is allowed to move in the pod. Before leaving his cell, an inmate is placed in handcuffs attached by officers through the food slot in his cell door. Upon exiting the cell, the handcuffs are attached to a belly chain, and both ankles are hobble-chained. Whenever a prisoner is moved, two security officers accompany him, often with batons drawn. All officers who work in the SHU wear heavy Kevlar, puncture-proof vests, carry OC (oleoresin capsicum) spray, handcuffs, and batons.

When an inmate must be removed from his cell involuntarily, a cell extraction occurs. A team of six to eight officers will carry out the extraction. Team members wear the Kevlar vests, protective padding, and helmets with face shields, heavy boots, and gloves. The officer who enters the cell first carries a stun shield. Another officer videotapes the extraction for legal purposes.

In most prisons, lower custody inmates provide support services, such as collecting and distributing laundry, food trays, or mail to higher custody inmates. In the SHU, correctional officers perform these functions. Staff also deliver medications, canteen supplies, and law books requested by SHU

inmates. The majority of inmates housed in the SHU are African American and Hispanic. CDCR states that inmates are sent to the SHU at Pelican Bay for committing violent acts while in prison, such as murder, assault, initiating a riot, threatening staff or other inmates, or being caught with a weapon. Another criterion for a trip to the SHU is gang affiliation. When gang members are “validated” by prison staff, they are transferred to the SHU for an indeterminate time.

## Level-4 Units

Level-4 housing at Pelican Bay is divided into A Unit and B Unit. Each unit was designed to house 512 inmates, but both units became overcrowded quickly. According to the CDCR, by September 1993, there were 2,010 Level-4 inmates housed at Pelican Bay. The cellblocks in both units are poured concrete with two tiers. The walls, ceiling, and floors are all gray concrete. There are no painted walls in the housing units. The units have no windows. The air is recycled and stale. In the center of the cellblock there are steel tables and stools bolted to the concrete floor. If the inmates are on lockdown, they eat in their cells from trays passed through the food slots in solid steel doors. If they are not on lockdown, they eat at the tables in their cellblock. An armed correctional officer monitors activity in the cellblock from a control room behind thick Plexiglas and speaks through a microphone to the inmates within.

Each unit has a large yard adjacent to the housing complex. They are mirror images of one another. Level-4 inmates, when not locked down, exercise in their yard under the watchful eye of an armed tower guard and correctional officers who stay outside the locked fence surrounding each yard. Inmates group together in the yard by affiliation, that is, Whites hang with Whites, northern Hispanics (*norteros*) with northern Hispanics, southern Hispanics (*sureños*) with southern Hispanics, and so on. When they are locked down, Level-4 inmates exercise in what they call the “dog run.” Being locked down is a semipermanent situation in Pelican Bay because of assaults, stabings, and riots on the yards.

Level-4 inmates who are not on lockdown may work in the shoe shop or the optical shop. Those who work in the shoe shop manufacture boots and shoes for the Department of Corrections. Those who work in the optical shop make glasses for the Medi-Cal program. They may also participate in vocational programs such as plumbing, auto mechanics, and auto body repair.

## Transitional Housing Unit (THU)

Pelican Bay houses hundreds of alleged and validated gang members. Validated gang members are sent to the SHU for indeterminate terms. There is a saying at Pelican Bay that validated gang members must “snitch, parole, or die” in the SHU. Those who choose to snitch go through a process called “debriefing.” Debriefing is a long process, taking as long as 3 years. To debrief, the inmates must confess to gang-related activities and crimes they have personally been involved with, as well as disclose the crimes that other gang members have committed. In addition, the debriefing inmate must continue to inform to retain protection from the custody staff. The information given to the Institutional Gang Investigation lieutenant is verified and corroborated as much as possible. The lieutenant must be satisfied that the information is accurate and the inmate is being truthful for the process to continue.

Those inmates who are in the process of debriefing are held in protective custody for 1 year and ultimately moved to the THU. This housing unit was originally the gymnasium for B Unit, but in 1996 it was converted into a dormitory for debriefing inmates. This unit serves as living and working quarters for inmates in the advanced stages of debriefing. These inmates sleep, eat, exercise, and work toward their high school equivalency exam in the gym. There are two correctional officers posted at the door of the gym to protect them from other inmates who want to kill them for snitching. They are allowed outside only when the entire Level-4 population is locked down. The THU houses only 20 inmates at a time; therefore, the vast majority of debriefing inmates must remain in the SHU or in protective custody.

Ironically, if an inmate is released from the SHU directly into Level-4 population, those inmates assume he is a snitch and violent retaliation is almost certain, whether he is a debriefing inmate or not. In fact, the frequency of retaliation against inmates released from the SHU into B Unit has made B Yard one of the most violent in the entire California system (Weinstein & Cummins, 1996).

## Psychiatric Services Unit (PSU)

The PSU holds inmates who exhibit signs of mental illness and inmates who are being screened for transfer to the SHU. This screening process is a direct result of *Madrid v. Gomez*, a 1995 case in which the federal district court ordered Pelican Bay to remove mentally ill inmates from the SHU.



Today, inmates headed for the SHU must be evaluated by mental health staff and held in the PSU if they are deemed mentally unstable. Correctional officers in the PSU wear puncture-proof vests. Inmates in this unit are primarily controlled by drug therapy. These inmates take their exercise in 6- by 8-ft metal mesh cages. Group therapy takes place with inmates locked into individual upright cages with Plexiglas fronts, set up in a semicircle around a therapist. Inmates speak through holes in the Plexiglas. Pelican Bay does not offer inpatient or intensive outpatient mental health treatment. Those inmates in need of such treatment often suffer long delays before being transferred to a facility that offers treatment sufficient to their needs.

## **Inmate Subculture**

Henslin (1995) defines subculture as “the values and related behaviors of a group that distinguishes its members from the larger culture; a world within a world” (p. 44). Johnson (2002) tells us that “violence has always been a salient aspect of the convict world” (p. 128). Along with Johnson, Sykes (1958), Irwin (1980), Austin and Irwin (2001), Crouch and Marquart (1989), and others describe the inmate culture as violent, tough, and jungle-like. Inmates feel they must constantly prove themselves; they must be tougher than those around them so they will not be victimized. Many writers have described the inmate subculture. Williams and Fish (1974) describe the inmate subculture as a collection of habits, customs, values, beliefs, and superstitions.

Clemmer (1958) described the process of prisonization, through which inmates learn the subculture and adapt to the culture of the prison. Sykes (1958) wrote about inmate roles as adaptations to hardships in prison life. At the top of the social hierarchy were Real Men who did their time with dignity, who could handle the hardships of prison life.

Inmates learn about the prison culture upon arrival in the prison. Young prisoners must establish themselves as ready to fight to protect themselves from the advances of other inmates. They must constantly prove themselves, sometimes looking for occasions to send their message to the population. Johnson (2002) notes that not every inmate subscribes to the convict code, but

for convicts, every insult is premeditated, a planned assault demanding a vengeful response that provides tangible evidence of one's worth . . . violence in the convict world establishes one's competence as a man who can survive in a human jungle. (p. 149)

Irwin (1980) describes the degeneration of the old hierarchy into a prison world run by state-raised convicts:

Today the respected public prison figure—the convict or hog—stands ready to kill to protect himself, maintains strong loyalties to some small group of other convicts (invariably his own race), and will rob and attack or at least tolerate his friends' robbing and attacking other weak independents or their foes. He openly and stubbornly opposes the administration, even if this results in harsh punishment. Finally, he is extremely assertive of his masculine sexuality. . . . To circulate in this world, the convict world, one must act like a convict and, with a few exceptions, have some type of affiliation with a powerful racial clique or gang. (pp. 192-195)

According to Irwin, in order to survive in today's hostile prison environment, inmates must exhibit toughness, affiliate themselves with a group or gang, and oppose the administration and its rules, knowing this will bring potentially harsh consequences. It is in this environment that correctional officers must earn a living.

## **Training of Correctional Officers**

California's Penal Code, Section 832, mandates that all correctional officers, sergeants, lieutenants, and captains employed by the CDCR attend the Basic Correctional Officer Academy (BCOA) class. This academy encompasses a wide range of topics.

At the BCOA, officers are required to complete the following course:

- Application of Restraint Gear, 8 hr
- Apprenticeship Program, 2 hr
- Arrest and Control, 28 hr
- Assignment Responsibilities, 2 hr
- Bloodborne Pathologies, 3 hr
- Body/Cell/Area and Grid Search, 13 hr
- Cadet On-Site Institutional Training, 124 hr
- Communicable Diseases, 4 hr
- Crime Scene and Evidence Preservation, 6 hr
- Diversity, 4 hr
- Drug Awareness, 4 hr
- Emergency Operations/Alarm Response, 30 hr
- Escape Prevention, 6 hr
- Ethics, 8 hr
- Extraction Team, 6 hr

- Fire Safety, 2 hr
- Firearms Familiarity, 8 hr
- Standard First Aid and CPR [cardiopulmonary resuscitation], 8 hr
- Impact Munitions, 8 hr
- Inmate Appeals Process, 4 hr
- Inmate Count Procedures, 4 hr
- Inmate Disciplinary Process, 4 hr
- Inmate Property, 5 hr
- Inmate Staff Relations, 8 hr
- Inmate Work Incentive Training Program, 4 hr
- Interactive Computer Lab, 28 hr

#### Law Enforcement Orientation

- Law Enforcement Profession
- Ethics
- Unethical Behavior
- Administration of Justice Components
- California Court System
- Discretionary Decision Making

#### Community Relations

- Community Attitudes and Influence

#### Law

- Introduction to Law
- Intent
- Parties to a Crime
- Probable Cause
- Obstruction of Justice
- Constitutional Rights Law
- Laws of Arrest
- Effects of Force
- Reasonable Force
- Deadly Force
- Illegal Force Against Prisoners

#### Laws of Evidence

- Concepts of Evidence
- Rules of Evidence
- Search Concepts
- Seizure Concepts

#### Communications

- Interpersonal Communication
- Note Taking

- Introduction to Report Writing
- Interviewing

### Investigation

- Interrogation
- Preliminary Investigation
- Identification, Collection, and Preservation of Evidence
- Chain of Custody

### Arrest and Control

- Principles of Weaponless Defense
- Armed Suspect/Weaponless Defense/Weapon Retention
- Person Search Techniques
- Search/Control Simulation
- Restraint Devices
- Prisoner Transportation
- Interactive Computer Lab—Firearms, 6 hr
- Introduction to Chemical Agents, 8 hr
- Introduction to Prison Gangs, 4 hr
- Key and Tool Control, 4 hr
- Litigation/Constitutional Responsibilities, 2 hr
- Mental Health Delivery Systems, 8 hr
- Managing Inmate Conflict I—A Seven-Step Intervention Process, 4 hr
- Managing Inmate Conflict II—A Professional Pattern of Communication, 4 hr
- Managing Inmate Conflict III—Demonstration and Practice, 4 hr
- Office of Investigative Services, 1 hr
- Office of Substance Abuse Training, 2 hr
- Orientation to California Department of Corrections, 4 hr
- Orientation to Physical Fitness Training, 40 hr
- Radio Communications/Alarm Devices, 4 hr
- Range Training, 45 hr
- Report Writing, 18 hr
- Sexual Harassment Prevention, 4 hr
- Side Handle Baton, 24 hr
- Staff Rights and Responsibilities, 4 hr
- Stress Management I, 2 hr
- Stress Management II, 2 hr
- Supervision of Inmates I, 8 hr
- Supervision of Inmates II, 4 hr
- Supervision of Inmates III (Female Felons), 4 hr
- Supervision of Inmates IV, 8 hr
- Tactical Decision Making Simulator, 8 hr

- Use of Force, 8 hr
- Additional time for orientation, exams, homework, graduation

Total academy curriculum = 640 hours

In addition to completing the academy, correctional officers working at Pelican Bay complete a new employee orientation prior to working any assigned post at Pelican Bay. Some of the assigned topics at this week-long orientation include Pelican Bay State Prison use of force policy, health and safety, electrified fence, institution policies, weapon familiarization, chemical agents, controlled force, familiarization with soft restraints, immediate force, and SHU control booth.

In addition, correctional officers must complete required training on an annual basis. This includes topics such as baton recertification, first aid and CPR, and Pelican Bay State Prison use of force.

The first 2 years a correctional officer is employed by CDCR is considered an apprenticeship. Officers are required to complete different training units and document the hours that they have completed. They are placed in different rotations every 90 days and must complete a total of 3,600 hr.

This required training is impressive, and although extremely important, formal training is not the only (or even most important) component in shaping correctional officers' behavior. New recruits must also understand and comply with the organizational culture that has developed at Pelican Bay.

Bennis (1997) describes organizational culture as a social system, the norms, values, and shared beliefs of the individuals who work together. Coworkers typically share views about legitimate organizational behavior and how work related tasks are to be accomplished. O'Toole (1996) describes organizational culture as a system of beliefs and actions that characterize a particular group including expectations of appropriate behavior. These norms, values, and shared expectations can develop into an organizational subculture so powerful that formal training may quickly recede in importance in the mind of the new recruit. Indeed, a high-ranking security officer at Pelican Bay commented that the formal training he had received was "not that important" to his daily routine in the SHU.

## Officer Subculture

Although there is some debate in the literature whether officer subcultures exist (see Duffee, 1975; Gilbert, 1993; Lombardo, 1989), new officers must somehow be socialized into the prison world. Crouch and Marquart (1990)

claim that a guard subculture does exist and, in fact, is a necessary component of officer socialization. New officers learn from the war stories of seasoned veterans that inmates are lazy, untrustworthy, manipulative, and less than human. Troublemakers are pointed out, and officers regale the newcomer with stories of atrocities committed by inmates. New officers are urged to keep their distance from inmates and to dominate them with both words and actions.

In a study of two midwestern prisons, Farkas (1997) discovered that an officer code, which fosters solidarity among officers, regulates behavior by providing norms for the officers to follow and gives officers a way to modify or reject formal rules. She identified eight primary norms. These include always going to the aid of an officer in danger, not getting too friendly with inmates, not abusing authority, backing fellow officers' decisions and actions, not admitting to mistakes, carrying one's own weight, deferring to the wisdom and experience of veteran officers, and minding your own business.

In 1982, Toch and Klofas described correctional officer adaptations to the prison world. They wrote that subcultural custodians, or "smug hacks" (approximately one quarter of the prison guard force), exalt toughness and use and tolerate violence against inmates to maintain control. Johnson (2002) discusses the stereotypes that flourish about prison guards. They are characterized as harsh, ignorant, power hungry, and even sadistic. He quotes Hawkins (1976), who states "there is no evidence that guards as a group are distinctively prejudiced or authoritarian, or indeed, share any personality type at all" (p. 206). Johnson does admit there is a grain of truth in the stereotype, and that grain is that the guard's job is an alienating one.

Alienation is a salient feature of the officer's job, and Johnson (2002) notes that a minority of officers respond with violence: "Today, when violence occurs on a regular basis, it is the handiwork of alienated officers who feel abandoned or betrayed by the institution and come to feel authorized to make their own rules" (p. 215). Johnson states that some officers act as "freelance agents" of violence, working on their own, but most commit acts of violence with group support. Those who feel alienated often band together for mutual support, reassurance, and protection. They view inmates as the enemy who must be conquered. Johnson claims that violence is "apt to promote or accentuate alienation because it precludes more constructive dealings with inmates and fellow officers" (p. 217). He tells us that "smug hacks find their counterparts in the convicts of the prison yard" (p. 201).

It is the authors' contention that an officer subculture supporting objectification of inmates, excessive use of force against inmates, and loyalty to the code of silence exists in the SHU in Pelican Bay and is supported by the administration. Evidence of this subculture and its support from the

administration is found within the opinion of the federal court in *Madrid v. Gomez* (1995).

### ***Madrid v. Gomez***

Inmates housed in the SHU at Pelican Bay filed a federal lawsuit alleging a pattern and practice of excessive force against inmates, failure to provide adequate medical and mental health care, housing inmates in inhumane conditions in the SHU, exposing inmates to unreasonable risk of assault by other inmates via cell assignment procedures, failure to segregate rival gang members in the SHU, and failure to provide inmates with adequate access to the courts. The court limited its ruling to the issue of mentally ill inmates, stating they could not be held in the SHU because putting a mentally ill inmate in the SHU was “the mental equivalent of putting an asthmatic in a place with little air to breathe” (*Madrid v. Gomez*, 1995, p. 1265).

Although *Madrid v. Gomez* (1995) did not require Pelican Bay officials to shut down the SHU, it did address several constitutional concerns regarding policies and procedures within it. In the *Madrid* decision, the SHU was described in the following way:

From the outside, the SHU resembles a massive concrete bunker; from the inside it is a windowless labyrinth of cells and halls, sealed off from the outside world by walls, gates, and guards. The physical environment thus reinforces a sense of isolation and detachment from the outside world, and helps create a palpable distance from ordinary compunctions, inhibitions, and community norms. (p. 1160)

In examining excessive use of force, the court described staff assaults on inmates, use of fetal restraints, cagings, cell extractions, and the use of lethal force. The court also noted that there were inadequate written policies regarding the use of force, inadequate training in the use of force, inadequate supervision of the use of force, inadequate investigations of excessive force, and inadequate discipline for those excesses.

Fetal restraints are used in the SHU when inmates kick at their cell doors. This procedure involves handcuffing the inmate’s hands at the front of his body, placing him in leg irons, then drawing a chain between the handcuffs and legs until only a few inches separate the bound wrists and ankles, simulating the fetal position (*Madrid v. Gomez*, 1995, pp. 1668-1669). Caging involves holding inmates in cages made of woven metal mesh the size of a

telephone booth. Inmates are naked or partially dressed and confined in these outdoor cages even during inclement weather. Regarding caging, the court stated:

Leaving inmates in outdoor cages for any significant period—as if animals in a zoo—offends even the most elementary notions of common decency and dignity. It also fails to serve any logical penological purpose in any kind of weather, much less cold and rainy weather. The fact that it occurred at all exhibits a callous and malicious intent to influence gratuitous humiliation and punishment. (*Madrid v. Gomez*, 1995, p. 1172)

Cell extractions occur when an inmate refuses to leave his cell. Cell extractions are very violent maneuvers, using 38 mm gas guns, tasers, short metal batons, and mace. The warden admitted in court that inmates and staff both get hurt during cell extractions, stating “it’s just the nature of the thing” (*Madrid v. Gomez*, 1995, p. 1172).

The CDCR claims to recognize the sanctity of human life. Therefore, as stated in the California Code of Regulations, Title 15, Section 3268(B)(2), deadly force will only be used when it is the reasonable force needed to defend the employee or other persons from an immediate threat of death or great bodily injury. The court found that lethal force has been used unnecessarily and sometimes recklessly at Pelican Bay, primarily because administrators failed to equip officers with other weapons, and written policies for use of force in the SHU were contradictory or unclear. In addition, the court found that the written operations manual for the SHU had been “under revision” since 1990, a full 5 years (*Madrid v. Gomez*, 1995).

The court found there were no incentives for officers to report abuse of inmates or misuse of force; indeed, there was resistance to it. The court found that the “code of silence” prevails at Pelican Bay. This code is an unwritten, widely understood code that encourages prison employees to remain silent regarding the improper conduct of fellow officers. During the trial, one program administrator testified that the code of silence among correctional officers at Pelican Bay made it difficult for a supervisor to determine what had actually happened in any particular incident.

Indeed, in the first 4 years of prison operation, there were only four instances where the Internal Affairs Division concluded that excessive force had been used. In three of the four cases, the warden exercised his discretion to eliminate or minimize adverse action. The court held that by doing this, “the warden of [Pelican Bay] sent a dramatic and unmistakable message that excessive force, even in those rare cases in which it is proved to the Internal



Affairs investigator's satisfaction, will not lead to punishment" (*Madrid v. Gomez*, 1995, p. 1197).

Further evidence supporting the existence of an officer's code at Pelican Bay is found in testimony regarding a former sergeant named John Cox. Cox broke the code of silence by testifying against a fellow officer who had beaten an inmate's head with the butt of a gas gun and then framed the victim. According to findings in *Madrid*, Pelican Bay administrators called Cox a snitch and warned him to "watch his back."<sup>1</sup>

Regarding the use of force, the court found that the extent of force misused at Pelican Bay, in combination with the blatant and pervasive failures in controlling the use of force, created more than deliberate indifference. The court held they revealed an affirmative management strategy that permits the use of excessive force for punishment and deterrence (*Madrid v. Gomez*, 1995, p. 1199).

The court also found that medical care at Pelican Bay was constitutionally inadequate. The size of the medical staff and the amount of medical training and supervision given staff were described by the court as "woefully deficient" (*Madrid v. Gomez*, 1995, p. 1202). Medical records were found to be disorganized, incomplete, inadequate, and on occasion, contradictory. Physicians were not involved in initial screenings, no practice of conducting routine physical examinations was found, records were not kept at a centrally accessible location, and the medical staff was inadequately trained. Delays and deficiencies astonished the court, which held that "there is a rampant pattern of improper or inadequate care that nearly defies belief" (*Madrid v. Gomez*, 1995, p. 1212).

Mental health care was also addressed in *Madrid v. Gomez*. Pelican Bay receives a large number of mentally ill inmates who require psychiatric intervention. As stated by the warden in 1991:

A large number of psychiatrically disabled inmates exhibit violent and problematic behavior as part of their symptomatology. Consequently, these inmates present a history of severe disciplinary and assaultive behavior that is considered an endangerment to themselves, other inmates, staff, and prison security. . . . Pelican Bay was constructed to house those inmates considered to be the most violent and problematic. . . . By virtue of its mission, Pelican Bay now houses most of the psychiatrically disabled inmates who have a history of violent and assaultive behavior. (*Madrid v. Gomez*, 1995, p. 1215).

The need for mental health treatment is elevated by the presence of the SHU. It has been indicated that conditions in the SHU are severe enough to lead to psychiatric consequences for some inmates. Issues of concern

include screening, referrals, and the poor condition of inmates' psychiatric records. For some inmates, severe mental illness makes them too psychotic to consent to treatment, whereas their psychosis makes them too dangerous to transfer to a facility where they could receive adequate treatment (*Madrid v. Gomez*, 1995, p. 1221).

Because of the conditions of confinement in the SHU, the court held that inmates with symptoms of mental illness should not be housed there; however, typically, mental health professionals are not involved in the housing decisions (*Madrid v. Gomez*, 1995, p. 1221). The court found that conditions in the SHU can have serious psychiatric consequences for inmates, including such symptoms as perceptual distortions, hallucinations, hyperresponsivity to external stimuli, aggressive fantasies, overt paranoia, inability to concentrate, and problems with impulse control (*Madrid v. Gomez*, 1995, pp. 1230-1232). Furthermore, the court held that many, if not most, inmates in the SHU experience some level of psychological trauma in reaction to their extreme seclusion in the SHU (*Madrid v. Gomez*, 1995, p. 1235).

The court further stated that a self-fulfilling prophecy exists in the SHU. The mission of the SHU is to house the most dangerous and disruptive inmates. Oftentimes, inmates suffering from mental illness engage in disruptive, violent conduct. They are then transferred to the SHU, where conditions cause them to deteriorate further.

## Effects of Solitary Confinement

After reviewing the empirical literature on solitary confinement, Craig Haney and Mona Lynch (1997) concluded that the experience is psychologically painful, can be traumatic and harmful, and puts many of those who have been subjected to it at risk of long-term emotional and even physical damage. Haney's (1993) own study on Pelican Bay found extraordinarily high rates of symptoms of psychological trauma among prisoners confined to the SHU. Furthermore, equally high numbers of participants reported specific psychopathological effects of social isolation. More than four out of five prisoners in the SHU suffered from ruminations, confused thought processes, an oversensitivity to stimuli, irrational anger, and social withdrawal. Over half of the inmates reported violent fantasies (Haney & Lynch, 1997).

Solitary confinement is destructive, psychologically crippling, and socially alienating according to Jackson (1983). Haney (1993) found the overall level of social deprivation within the units at the SHU is nearly total. The psychological significance of this type of long-term deprivation cannot be overstated.

Human identity formation occurs by virtue of social contact with others. Most people are so disoriented by the loss of social context they become highly malleable, unnaturally sensitive, and vulnerable to the influence of those who control the environment around them. Long-term confinement at the SHU has several predictable consequences.

Some prisoners become entirely dependent on the structure and routines of the institution for control of their behavior. Consequently, these prisoners become unable to set limits for themselves. Other prisoners suffer an opposite reaction. They lose the ability to initiate behavior of any kind because they have been deprived of the opportunity to do so for so long. Conditions in the SHU can also lead to social withdrawal, resulting in an avoidance of any social contact by some prisoners, exacerbating their disorientation. Some prisoners act out to prove they still exist. Cell extractions occur with high frequency in the SHU, as many prisoners fight to hold onto their existence, according to Haney (1993). Extreme deprivation of social contact can lead a person to become delusional and emotionally disturbed. Others will become frustrated and filled with rage.

Haney (1993), after many interactions with inmates and offices in facilities nationwide, found the SHU at Pelican Bay enforced long-term social deprivation more than any other institution. In addition, Haney states that social control is implemented in a manner that deprives captives of the opportunity to engage in any semblance of normal social intercourse. This type of confinement is likely to enhance the inmate's antisocial tendencies. Human Rights Watch (2000) claims that for many inmates, "the absence of normal social interaction, of reasonable mental stimulus, of exposure to the natural world, of almost everything that makes life human and bearable, is emotionally, physically, and psychologically destructive" (p. 1).

## Self-Fulfilling Prophecy

Austin and Irwin (2001) note that when persons are treated as though they possess certain characteristics, whether they actually have them or not, they often develop those characteristics, or they are magnified because of the treatment. Simply put, when inmates are locked up for being recalcitrant, they become recalcitrant. After being put in lockup, minor troublemakers can become serious troublemakers. Austin and Irwin write,

Many persons held for long periods in lockup, during which they have been subjected to extreme racial prejudice, harassment by the guards, and threats

and attacks from other prisoners, are converted into extremely violent, relatively fearless individuals who profess and conduct themselves as if they do not care whether they live or die. They frequently attack staff as well as other prisoners. (p. 134)

Toch (1990) found that the more taxed a person is by his environment, the more likely he is to view that environment as bad. A constant environment of this nature may increase a person's resiliency and lead to an increase in outbursts. It is our contention that placing inmates in the SHU exacerbates any emotional, psychological, and behavior problems those inmates may have. Being labeled the worst of the worst and treated that way increases the inmate's hostility toward his captors and toward society in general. In addition, the officers' code of silence and subcultural norms approving violence in the SHU aggravate whatever propensities toward violence the inmates possess. When new officers arrive to work at Pelican Bay, they are informed they will be guarding the most violent, most predatory inmates housed by the CDCR. They are trained to respond to violence and warned that they face death every day they come to work at Pelican Bay.

When inmates are sent to the SHU at Pelican Bay, they are validated as the "baddest of the bad." They are declared extremely dangerous, assaultive, violent, and unmanageable in a regular maximum-security environment. Supermax prisons constitute the ultimate incarceration experience for the recalcitrant prisoner who poses such a threat to others, both in prison and outside, that he must be totally isolated.

Weinstein and Cummins (1996) claim that although the supermax was ostensibly designed to control disruptions, punish inmates, and break up prison gangs, these new facilities actually engender more violence. By exploiting racial tensions, they are deepening the already profound fissures in the U.S. social order. The rage they spawn is unleashed first on the prison yard and then onto the public streets when the prisoners are paroled. (p. 309)

The racial makeup of the SHU in Pelican Bay is about 85% minority, with the largest group consisting of Hispanic inmates. The vast majority of officers who work in the SHU are White. Weinstein and Cummins continue:

Faced with constant harassment, sensory deprivation, and isolation, some prisoners become enraged and aggressive. Others retreat into themselves, choose to sleep most of the day, refuse exercise, stop writing to family and friends, and turn on their lights only to get food or medication. Some enter a private world of madness, scream incessantly in their cells, and even

cover themselves with their own feces. This psychological decay is worse for prisoners who cannot afford a state-issued TV or radio. The often confused and delusional prisoners who are on psychiatric medication and housed in what is called “ding block” are victims of an even higher frequency of abuse. (p. 318)

Weinstein and Cummins (1996) conclude that the “SHU will drive men mad, predispose them to violence, and thus legitimize their solitary confinement” (p. 320). Human Rights Watch (2000) states that there is “no way to measure the misery and suffering produced by prolonged supermax confinement.” They criticize supermax confinement, describing it as cruel, inhuman, and degrading.

The conditions of confinement are unduly severe and disproportionate to legitimate security and inmate management objectives; impose pointless suffering and humiliation; and reflect a stunning disregard of the fact that all prisoners—even those deemed the “worst of the worst”—are members of the human community. (p. 1)

The authors of this article would add that the creation and promulgation of the supermax-style prison leads to the creation of the system’s own worst nightmare: the “monster” cited by Austin and Irwin (2001), those beyond caring about the consequences of their behavior or even their own lives.

## **Recommendations for Change**

It is not the contention of the authors that prison reform is an easy task. Prisons house violent criminals, and security must be a top priority. At the same time, however, government agencies, including prisons, must abide by the law. The U.S. Constitution requires secure but humane penal institutions. Johnson (2002, p. 267) writes that reformed prisons must offer “Spartan but responsive conditions of confinement”; that is, decent conditions of confinement that include access to programs and promote autonomy, security, and relatedness to others. Johnson states that the pains experienced by prisoners must be kept to a minimum and coped with maturely, and that prison administrators must take the lead with a “commitment to excellence in the delivery of correctional services, from basic security to living conditions and programs” (p. 269).

Correctional staff must believe that inmates deserve to be treated humanely before they can make that commitment to excellence. At Pelican Bay, the

cultural definition of inmates as subhuman must be addressed. To truly effect change, the smug hacks must be replaced by human-service-oriented officers. The reward structure must change, and employees such as John Cox must be applauded and emulated, not targeted for abuse. Correctional officers must be held accountable for rule violations, and the will to accomplish this must come from the highest level. Johnson (2002) states that “by promoting secure and, ideally, responsive prison regimes, that some officers can rise above the limitations of their formal custodial role. These officers serve, by their helping activities and by example, as true correctional officers” (p. 235).

Officers must view inmates as human beings and treat them as such. Even in the highly structured SHU environment, opportunity for humane interaction exists. The daily routine of meal delivery can be either an exercise in debasement or an opportunity, at the least, to be civil. The “us versus them” mentality at Pelican Bay must be addressed. Demonizing inmates sent to the SHU as the worst of the worst only exacerbates the problem, allowing officers to objectify the inmates, seeing them as less than human.

Human Rights Watch (2000) states:

Principled leadership, careful staff training and supervision, and effective internal review processes can help minimize the possibilities of unnecessary supermax confinement as well as abusive conduct by correctional officers. But external and independent scrutiny is also important. Press and citizen group access to supermax officials and inmates, for example, can help deter abuses and promote public accountability. Constructive dialogue with public groups can lead to the identification and development of more humane and productive prison practices. (p. 4)

An important change that could be made at Pelican Bay is congruence between word and action. For example, when allegations of excessive use of force against an inmate emerge, the Internal Affairs Division should conduct a thorough, principled investigation, and upon findings of wrong doing, the warden should impose sanctions. Using his discretion to minimize or eliminate penalties in clear cases of officer misconduct undermines the efforts of right-minded employees and sends a clear message that the rules do not really matter. According to Jones (1981), organizations are most effective when there is congruence between the values and goals, the structure, the climate, and the environment. The CDCR could improve the situation at Pelican Bay State Prison by insisting that policy be followed and imposing sanctions for rule violations on employees at all levels, including the warden.

Moral leadership is essential to the moral functioning of staff in prison. It has been said that the only way out of the SHU is to snitch, parole, or die.

Perhaps this should not be the case. Requiring inmates to snitch in order to leave the hardships of solitary confinement compromises the integrity of the inmate and the prison staff. Integrity need not be left at the prison gate but should be a guiding force when dealing with other human beings, incarcerated or not.

The inmates at Pelican Bay are long-term inmates. Most of them have in excess of 10 years to serve in prison, and some have much longer sentences. The management of long-term inmates is a science in itself. These inmates have little to lose by breaking the rules or engaging in violence. So, how can prison officials assist this type of inmate in coping with an extended period of incarceration? Kummerlowe (1995) makes several recommendations for managing the long-term inmate. Kummerlowe emphasizes the importance of family and community relationships. Encouraging, or at least not discouraging, visitation by friends and family could improve inmate morale. In addition, previsit and postvisit counseling might be appropriate. Furthermore, family counseling may be helpful as the inmates near release.

Kummerlowe (1995) also discusses the importance of rational rules and their consistent enforcement. Rules should be scrutinized for contradictions, clarity, and salience, and enforced fairly. Furthermore, inmates must be given specific goals to focus on and ethical ways to improve their situation. (Snitching would not fall into the category of ethical ways to improve one's situation because it puts the inmate's life in danger and endangers his family as well.)

Toch (1990) discusses the importance of reclassification over time. Inmates who are housed in the SHU should be regularly reevaluated and moved out of solitary confinement when they can abide by prison rules for a designated period of time. Of course, the policy of snitching for release must be abandoned and disavowed at all levels within the prison environment.

Bottoms, Hay, and Sparks (1990) discuss situational approaches that can be effective in preventing disorder in long-term inmates, such as providing them with reasonable levels of basic life necessities. Treating inmates as autonomous persons can assist them in dignified survival. Employing only fair and consistent practices has been shown to be effective in managing long-term inmates. At Pelican Bay, SHU inmates could be allowed some personal effects, or the walls could be painted, or they could have a rug in their cell. These are small concessions to the humanity in every prisoner and could be used as rewards for good behavior.

Lombardo (1989) notes that to achieve change, an organizational culture must be committed to "change rather than stability" (p. 214). This commitment must be reinforced in the daily decisions made at every level of the

organization. Although it is true that there are some prisoners who are so violent they can never live in general population, it seems incredible that every inmate in the SHU at Pelican Bay fits this description. It is arguable that the violence at Pelican Bay has been orchestrated and encouraged by the gang policy of the CDCR and by the prison culture itself.

## Note

1. Christian Parenti (2002), a sociology professor in San Francisco, interviewed Cox regarding his tenure at Pelican Bay. He notes that Cox was hated by other officers at Pelican Bay because he “gave his officers 100 hours of extra training and did not allow his officers to hog-tie inmates to toilets or kick them in the face after cell extractions.” Parenti further notes that Cox’s unit was called “Fluffy SHU” by the hard-liners. Cox, who sued the California Department of Corrections and Rehabilitation, claims that he suffered harassment at the hands of his supervisors and was deprived of back-up when he called for it. He also claims that since he left Pelican Bay, he continues to get death threats, bullets fly through his windows at home, his tires have been slashed, and sugar was put in his gas tank.

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