

CHAPTER 1

The Globalization of Supermax Prisons

AN INTRODUCTION

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OVER THE CENTURIES, the way that societies sanction and punish deviants and criminals has significantly changed. From an almost exclusive focus on corporal punishments, governments, through their criminal justice apparatuses, especially the correctional system, now seem to focus on actual and alleged lawbreakers' souls (Foucault 1977/1995). As part of this process, punishment is increasingly meted out beyond the public view, hidden inside large, bureaucratic, state-run structures called jails and prisons. Supermax prisons (also known as administrative control units, special or security handling units, and control handling units) seem to epitomize this kind of punishment and can be considered the next step in the trajectory whereby the individual is removed from the public view, as well as from other inmates.

Supermax prisons are an American invention in penal practice. They are typically reserved for inmates who are considered a serious ongoing threat to the security of correctional institutions, in particular the safety of other convicts and correctional personnel. Supermax prisoners have usually engaged in high levels of violence behind bars and attempted or successfully completed an escape. They are often gang leaders or convicted political criminals, such as terrorists and spies. Collectively, supermax inmates are pejoratively referred to and considered to be the "worst of the worst." Because of this, supermax prisoners are usually locked in their cells for up to twenty-three hours a day and typically have minimal contact with other inmates and with correctional staff. Moreover, supermax inmates appear to be prisoners who are the most detached from the outside world. Rarely are they able to see out of the prison or have contact with the outside world. Short of a death sentence, time in a supermax prison is the most intense type of punishment the state has at its

disposal.¹ Not only does the Federal Bureau of Prisons (FBOP) operate a separate supermax prison (i.e., ADX Florence), but almost every state in the United States has either a stand-alone supermax facility or a prison with a supermax tier or wing (Ross 2007b).

The situation is much different outside of the United States. Throughout history, most countries have had dedicated high-security, long-term segregation units (aka solitary confinement) for “incorrigibles.” Although these tiers and wings (which share many similarities with supermax prisons) exist within standard correctional facilities, the adoption of the stand-alone supermax model is less common.² This trend, however, seems to be expanding. Although only nine countries have gone on record to confirm that they operate supermax prisons *per se*,³ others run supermax-type facilities under different labels and names. Why has this occurred? There are no simple answers.

This book examines why nine prominent advanced industrialized countries have adopted the supermax model or a variant thereof. In particular, the supermax phenomenon seems to be a product of democracies because in this type of political arrangement citizens expect human and civil rights to be protected regardless of the crimes individuals commit. In authoritarian and totalitarian regimes, we expect physical brutality. Particular attention has been given to the economic, social, and political processes that have affected each case. Attempts have been made to answer the following broad questions: (1) What kind of support or opposition to the building of such a facility occurred, and if the opposition failed, why did it not succeed? (2) To what extent was the decision to build a supermax influenced by developments in the United States? (3) Has any controversy surrounding the building of a supermax continued after its construction?

Why is this topic important? Understanding the individuals, constituencies, and contexts behind the decision-making processes related to resorting to supermax facilities is necessary given the diverse and critical reactions from both the domestic general public and international organizations (Human Rights Watch 1997). In recent years, supermax prisons have become one of the most debated correctional initiatives among activists, scholars, correctional planners, policy makers, and politicians. Because of supermaxes’ controversial nature, however, countries that operate them often deny their existence or dissociate their facilities from American-style supermaxes by calling them by other names. Much of this negative response has been caused by the repeated allegations of human rights abuses within supermax facilities.

The establishment of supermax prisons cannot be simply attributed to either the official crime rate or the incarceration rate in a country or jurisdiction. If this were the case, then all countries with higher rates would have supermax prisons and in proportion to these rates.⁴ Clearly there are both macro/global-level and micro/country-level factors at work that affect the

decisions of countries and their respective departments/ministries of corrections to propose and/or build supermax prisons.

At the micro or individual country level, supermax prisons are often proposed by legislators, correctional officials, and practitioners to fix and/or improve a number of problems (e.g., boost the local economy, demonstrate that departments of corrections are keeping up with the times, and placate correctional officers and their unions that complain about lax safety policies and practices).

At the macro level, the culture of fear, the growing awareness of risk management, and the control of surplus populations originating in neoliberal governance are also behind the resort to supermax prisons. Some scholars (e.g., Garland 2001) have argued that the growth of supermax prisons could be interpreted as part of a “punitive turn” that has occurred in Western societies over the past three decades. In the United States at least, these measures include harsher sanctions such as boot camps and the reintroduction of the death penalty, chain gangs, and so on. Alternatively, supermax prisons can be seen as part of the introduction of neoliberal policies and practices that emphasize efficiency and effectiveness (e.g., O’Malley 1999; Pratt 2002). This risk-management approach has been emphasized by numerous criminologists over the past two decades (e.g., Feeley and Simon 1992). Although some penologists see these two positions as opposites, they are more complementary than different. More important, however, is the need for understanding the supermax facilities in terms of the relationship among criminal justice (and specifically punishment), neoliberalism, and globalization processes.

Globalization, through the twin processes of communication and transportation, has facilitated the worldwide dissemination of things, people, and ideas. This is as true for cars and information technology as it is for “best practices” in particular fields. Although a growing body of research seeks to address how selected aspects of American culture—including food, fashion, values, and even criminal justice policies (e.g., Jones and Newburn 2002, 2007)—have become globalized, less attention has been paid to how American ideas about correctional practices, specifically supermax prisons, have been adopted and adapted by other countries. Undoubtedly, due to a confluence of factors, the United States has been at the forefront of innovative correctional practices, and the supermax model has proliferated in slightly differing forms and degrees in places such as the United Kingdom, New Zealand, and Australia. This trend has been linked to attitudes concerning retributivism and penal populism (i.e., a perception that dangerous and high-risk individuals are beyond reform and redemption).⁵

Examining the international dissemination of the American supermax correctional facility model fills a gap in the literature (Miller 2007). The globalization of the supermax is an important area of research because, given

current political and social debates over the detention of terrorists and other dangerous criminals, there is a possibility that supermax prisons will become the option of choice for countries seeking maximum protection for their citizens (in terms of national and homeland security). Understanding the decision-making processes that have led to the adoption of these types of facilities is crucial given the frequently negative reactions they receive from the general public and from human rights organizations.

SITUATING THE STUDY

The Globalization of Supermax Prisons sits at the crossroads of scholarly and practical developments in the fields of policy convergence, diffusion, and transfer of innovations; comparative corrections; globalization and criminal justice; and supermax prisons. The following section briefly reviews these areas of study as they relate to the globalization of the supermax prisons.

Policy Convergence, Diffusion, and Transfer of Innovations

Building upon the work of Everett Rogers (1962/2003) on the diffusion of innovations, scholars from different disciplines have applied and analyzed the degree to which certain policies and practices are a result of policy convergence, diffusion, and/or the transfer of innovations (e.g., Jones and Newburn 2002). A handful of pieces in the field of criminal justice have acknowledged this intellectual foundation both in the United States and elsewhere. The analysis of diffusion has been applied to general criminal justice policies (Jones and Newburn 2002; Bergin 2010; Newburn 2010) and specific practices such as crime mapping (Weisburd and Lum 2005). This approach has primarily been restricted to processes, and with the exception of boot camps and private prisons, has avoided other kinds of correctional programs and institutions (e.g., the supermax prison).

Comparative Corrections

Comparative research on corrections can be traced back to the work of John Howard (1777) and Gustave de Beaumont and Alexis de Tocqueville (1833/1964). By the end of the nineteenth century, widespread agreement existed among both correctional administrators and reformers that comparing prisons was essential in order to design and improve (i.e., make more humane) countries' penal systems. "Comparative analysis also has been furthered through international congresses on imprisonment, which have convened in Germany since 1846 and which are now organized by the United Nations" (Kaiser 1982, 2).

In the past thirty years, there has been increased scholarly interest in corrections from a comparative perspective. Some researchers have tried to analyze and compare processes across various prison systems (Kaiser 1982;

Lynch 1987, 1988; Carlie and Minor 1992; Vagg 1994; van Zyl Smit and Dünkel 2001; Walmsley 2003; Cavadino and Dignan 2006b; Othmani 2008). Alternatively, a small number of single-authored and coedited books contain chapters that review the prison systems in different countries. Both kinds of books have introductions and conclusions that make cross-national comparisons (e.g., Wicks and Cooper 1979; Downes 1988; Ruggiero, Sim, and Ryan 1995; Weiss and South 1998; Russell 2006; Dikötter and Brown 2007). Finally, several scholarly articles focus comparatively on subtypes or processes within the corrections systems (e.g., Morgan 2000; Sparks 2001, 2003). With the exception of King (1999), who compared the need for ADX Florence (the FBOP's supermax prison) to Britain's declaration that it did not and would not operate American-style supermax prisons, none of the above research has specifically addressed the issues surrounding the dissemination of the supermax prison concept from an international comparative perspective.

Globalization, Criminal Justice, and Corrections

In more recent years, a number of scholars have studied the impact of globalization on crime and on criminal justice, including the transfer of policies and practices (Wacquant 1999, 2009; Jones and Newburn 2002, 2007; Whitman 2003). A subset of this work has concentrated on the effects of globalization on corrections (Gilmore 1999; Worrall 2000; Baker and Roberts 2005; Morrison 2006). These studies focus on the following topics: foreign disdain for US prison policy and practices (Stern 2002; Mallory 2007), changes in the way governments criminalize populations (Sudbury 2002; Mallory 2006), the growth in correctional facility construction, the expansion of the prison-industrial complex (Beyens and Snacken 1996; Goldberg and Evans 1998; Mallory 2007; Wood 2007), the rise of the prison abolition movement (Stern 2002), the increasing numbers of individuals who are incarcerated (Sudbury 2002), and the incarceration rates and patterns of women (Sudbury 2002).

Some of the most insightful research on the globalization of corrections has been produced by Michael Cavadino and James Dignan (2006a, 2006b). They present a thoughtful view of America's place in the international realm of global influences:

the progress of all these “globalizations” has been uneven, and in particular non-American cultures have remained in many ways stubbornly, even sometimes defiantly, non-American. In some countries, national pride can provide an incentive to *differentiate* oneself from the USA sometimes rather than slavishly imitating it in all things. For although globalization enables people to gain a greater awareness of others, how people choose to use such information will be influenced by their own local cultures. (Cavadino and Dignan 2006a, 437)

These authors explain that “[t]here has certainly been an enormous increase in the international traffic of information about punishment, and much greater readiness to import ideas and practices from elsewhere” (Cavadino and Dignan 2006a, 438). Moreover, Cavadino and Dignan state that “while we may see an acceleration of *penal convergence* in many ways, we are still a long way from global *homogenization of punishment*, which may never occur. To the extent that ‘penal globalization’ does exist, its process and effects are uneven, but the influence of the USA undoubtedly retains pre-dominance” (Cavadino and Dignan 2006a, 438). Cavadino and Dignan ascribe the impact of the US model not only to policy makers but also to corporations and intergovernmental organizations. Finally, it must be understood that American influences are often interpreted as products or forces of hegemony and globalization (cultural, economic, military, etc.), and thus the distinction of and relationship among American influences, hegemony, and globalization are important.

Research on Supermax Prisons in the United States

Most studies pertaining to prisons explore the processes that take place within the facilities. With respect to high-security control prisons, a disproportionate emphasis has been placed on studying the effect these institutions have on inmates (e.g., Jackson 1983; Haney and Lynch, 1997; Haney 2003; Rhodes 2004).

Although numerous books on corrections, jails, and prisons have been published for trade, classroom, and professional audiences, only a limited number of studies offer in-depth perspectives on the supermax prisons. One such research effort is a book published by the American Correctional Association titled *Supermax Prisons: Beyond the Rock* (Neal 2002). Consisting of seven chapters written by prison officials, this compilation functions as a technical guide for the prison administrators who supervise these types of facilities. Besides its technical nature, *Supermax Prisons* is of limited use to general and scholarly readers because of the biases of its sponsor and a relatively small target audience. Written in a different tone, *The Big House: Life Inside a Supermax Security Prison* (2004) is a memoir authored by Jim Bruton, the former warden of the Minnesota Correctional Facility–Oak Park Heights. Although this book was pitched as a memoir of a supermax administrator, Oak Park is primarily a maximum-security facility; only one of the nine complexes at this site is used as an Administrative Control Unit (or supermax). Most recently, Sharon Shalev wrote *Supermax: Controlling Risk through Solitary Confinement* (2009). This book is an excellent review of the main practical concerns surrounding supermax prisons. It examines not only the history of the supermax concept but also the experience of living and working within one. Although these works are of varying degrees of interest and utility, none of the books

described above examines the international proliferation of the supermax idea on a comparative basis or discusses the role of globalization as a driving force for countries to adopt this kind of institution.

Research on Supermax/High-Security Control Institutions in Other Countries

In recent years, research into foreign-based high-security control institutions has disproportionately focused on Guantánamo (e.g., Ratner and Ray 2004; Margulies 2006; Council of Europe 2007; Human Rights Watch 2009). Although numerous case studies of Alcatraz, Marion, and ADX Florence exist (e.g., Churchill and Vanderwall 1992; Haney and Lynch 1997; Ward and Werlich 2003; Richards 2008), very few English-language scholarly treatments of high-security correctional institutions and/or supermaxes in other countries have been written. Exceptions include Bree Carlton's (2007; 2009) contributions on supermax prisons in Australia and a handful of studies on the supermax prison in Vught, the Netherlands (e.g., Boin 2001; Resodihardjo 2009).

Carlton's (2007) research documents the dynamics of disciplinary power and prisoner resistance within the Pentridge Jika Jika High-Security Unit, one of Australia's first supermax institutions. In particular, she reviews prisoner intransigence and official responses to these campaigns which culminated in a fatal protest fire in 1987 and the deaths of five prisoners. Her follow-up piece (2009) extends the analysis to the Katingal Special Security Unit in New South Wales. In this article, Carlton examines the official reasons why the prison system chose to construct these two high-security facilities. Carlton's analysis does not discuss the reasons why Goulburn High Risk Management Unit (HRMU), Australia's current supermax prison was built, as this facility was opened only in 2001, after her two pieces were published.

Both Arjen Boin (2001) and Sandra Resodihardjo (2009) describe the Dutch use of the supermax model. These studies were prompted not only by widespread discussions about the advisability of the Dutch Prison Service's construction of a supermax prison but also by the crisis the Dutch Prison Service faced during this period. Cell shortages and escapes (often accompanied by violence) indicated that the Dutch Prison Service's administrative framework was malfunctioning. In fact, the large number of problems and incidents led Dutch policy makers to feel that they had no policy option but to opt for the supermax solution. Starting with a description of the special security units (SSUs) (Extra Beveiligde Inrichtingen)—the predecessors of the supermax prisons—Boin and Resodijardjo both present the crisis in the Dutch Prison Service as the motivation behind the adoption of the supermax concept.

On a related note, an article by Roy King and Sandra Resodihardjo (2010) reviews the reasons why the Netherlands, England, and Wales have

pursued different policy responses toward supermax-type prisons. Although King's thesis in regard to England and Wales is well formulated, his definition of supermax prisons is overly narrow and would eliminate many facilities (especially in the United States) that corrections professionals and scholars unquestionably identify as supermax prisons. His definition also excludes Belmarsh Prison and the units that house suspected and convicted terrorists. These institutions, however, share many of the features of American-style supermax prisons.

Filling in the Gaps

Although some of the previously mentioned studies address the debates concerning the adoption of American-style supermax prisons, no empirical/scholarly studies of the supermaxes in Canada (i.e., the Special Handling Unit, Sainte-Anne-des-Plaines, Québec, and the former Special Handling Unit in Prince Albert, Saskatchewan), the United Kingdom, South Africa, Colombia, and Brazil exist to date. Also absent from this body of work is a larger comparative study of supermax prisons and an analysis of the reasons behind various countries' decisions to adopt the American model. Consequentially, the chapters contained in this volume provide a new focus and analytical perspective to the existing body of literature.

The research presented in this book seeks to answer the following questions:

1. Why were supermax prisons deemed necessary in the various countries examined?
2. What particular circumstances led to the creation of supermax prisons in these countries? For example, what constituencies were involved?
3. To what extent was the construction of supermax institutions prompted by a perception or evidence that prisoners were becoming more incorrigible and increasingly dangerous? What role did public pressure for get-tough policies play in the decision-making process?
4. What role has international terrorism played in each country's desire to construct a supermax facility?
5. What is the profile of the typical supermax inmate?
6. What are the similarities and differences between American supermaxes and those elsewhere?
7. What level of public scrutiny have supermax prisons in other countries engendered?
8. Why did the countries that built American-style supermax facilities pursue this policy and practice?
9. Why have some countries officially rejected the introduction of supermax prisons?

This book consists of chapters written by an international team of experts who have conducted both primary/field and secondary data collection research into this area. The writers range in profession from scholars to prison activists; one author was formerly incarcerated at one of the supermax prisons. The research process included reviews of newspaper and magazine articles, scholarly materials, and documents available on the World Wide Web as well as examinations of debates in legislatures and among administrative authorities about the construction of supermax prisons in the countries under investigation. Many of the contributors have conducted face-to-face interviews with the political, administrative, and executive personnel who made the key decisions about the construction of the selected supermax facilities. Many of the researchers have also spoken with local community activists and confidential informants who were involved in the deliberations surrounding the construction of the institutions in question. Finally, some of the contributors have toured the facilities under investigation and spoken with inmates, correctional workers, and administrators associated with them.⁶

The book contains thirteen chapters. The first ten examine specific countries' attempts to develop supermax prisons (i.e., the United States, Canada, Mexico, Great Britain, the Netherlands, South Africa, Australia, New Zealand, and Brazil).⁷ The last two chapters explore the US experience in the implementation of the high-security prisons in Abu Ghraib, Iraq, and at Guantánamo, Cuba. The conclusion integrates the diverse threads of scholarship presented in this book and makes suggestions for future research and policy in this area.

CONCLUSION

No current book addresses the subject of the globalization of the American supermax concept or utilizes a comparative approach to generate new and unique perspectives. This publication seeks to examine the impact of the overarching themes of globalization, power, politics, and economics on the decisions to construct and operate supermax prisons in democratic societies and the implications of US policies and practices on two correctional facilities US personnel have run outside of the United States. Although scholars, policy makers, and correctional administrators will be interested in this book, it should also appeal to instructors and students at the university level. This includes readers in the fields of criminology/criminal justice, political science, sociology, and law.