

CHAPTER 13

Conclusion

GLOBALIZATION, INNOVATION, OR NEITHER?

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CONTRARY TO MANY PRISON activists' beliefs, neither an insidious process, nor a conspiracy is taking place at the hands of American correctional practitioners and businessmen traveling around the world, pushing and motivating countries, in almost evangelical fashion, to build supermax prisons. Although this may be true with other criminal justice policies and practices (e.g., Jones and Newburn 2002, 2007; Wacquant 2009), American correctional practitioners, prison consultants, construction companies, and contractors do not appear to be actively promoting the benefits of supermax prisons. There is no smoking-gun scenario, as was revealed in John Perkins's *Diary of an Economic Hit Man* (2005). In truth, the manner by which each country examined in this study has adopted the supermax and/or high-security model of incarcerating their high-risk inmates is more considered than predicted. That does not mean, however, that generalizations cannot be made.

Clearly, proximity, dissemination of knowledge, training of correctional personnel in foreign countries (i.e., students and practitioners studying criminology/criminal justice in the United States or Great Britain), attending international criminology/criminal justice/corrections conferences, and the Internet all affect the dissemination of ideas, not only about crime and criminal justice but also on the correctional practices. Sometimes this leads to "policy transfer," while at other times it does not. The comparative analysis of the implementation of supermax prisons in these countries underscores the notion that, like so many things in life, context is everything, and the globalization of the supermax idea must be treated with nuance.

REASONS FOR ESTABLISHING SUPERMAX PRISONS

The practices of supermax prisons were examined in nine countries, while two high-security correctional facilities are operated by the United States (Abu Ghraib and Guantánamo) in foreign countries. Looking at the countries that have built and/or operated supermax and high-security prisons, it is clear that they are disproportionately democratic in governmental form and neoliberal in their politics and economies (Cavadino and Dignan 2006a, 440). This structural factor has an important effect on the way that these states, their respective governments, and ministries/departments, at both the federal and state levels of corrections, perceive crime, criminals, and the roles of the criminal justice system in general and corrections in particular. This means that decisions to build one or more supermax prisons are not taken lightly. Nonetheless, the origins of the ideas are harder to detect. Indeed, in the process of suggesting the construction of supermax prisons, these countries go through similar steps, and advocates use similar justificatory rhetoric.

In many respects, it is difficult to pinpoint where exactly the ideas surrounding the construction of supermax prisons came from in each of these countries. In some cases, the source of inspiration was unequivocally the United States. New Zealand, for example, is the clearest example of this. Six years after Marion was retrofitted (1983), New Zealand's Paremoremo (supermax prison) was opened, and Marion served as the model (Newbold, this volume). In general, most of the countries have experienced the following eight factors, ordered in increased importance, that have led to the decisions to build and/or implement supermax regimes.

1. *Special teams in the prison services/departments of corrections that study the viability of supermax prisons.* During the 1980s, a group of experts in the Dutch Prison Service was assembled to examine how they could best house disruptive and escape-prone inmates. They decided upon the special security unit (SSU) model, as exemplified by US supermax prisons.
2. *Increases in reported crime.* As O'Day and O'Connor argue, the growth of the Mexican high-security prison was motivated by the government's inability to control the drug cartels and the violence they have caused. Mexico has developed its own unique, high-security institutions, although they borrow features from supermax prisons.
3. *One or more instances of brutal violence behind bars.* Many of the DOCs' decisions to build supermax prisons were prompted by one or more brutal incidents of violence by or against correctional officers, for example, Australia, Canada, the United States. Alternatively, as was

the case in the United States and Canada, numerous instances of prisoner resistance, including riots, persisted in selected correctional facilities, and/or an upsurge in gang activity, leading not only to extensive damage to the institution but also to numerous injuries and deaths of inmates and correctional officers, occurred in various locations. As a result, a decision was made at the political level and/or inside the DOC that the existing facilities were insufficient to house the perpetrators of these attacks and riots.

4. *An increase in escapes.* Some prison systems experienced an increase in the number of escapes from high-security and/or maximum-security-style prisons. This was certainly true with the Dutch Prison Service, where between the years 1991 and 1995, 186 inmates escaped from closed prison settings (Resodihardjo 2009, 58). Opposition member politicians, the media, and the public used these incidents as evidence to argue that the number of highly secure prisons in the Netherlands should be increased.
5. *Commissions of inquiry/royal commissions.* Many of the countries that constructed supermax prisons established commissions of inquiry that recommended the building of high-security prisons. In Canada, for example, after the riots at Kingston Penitentiary (1971), the Canadian government initiated a royal commission that was headed by Justice J. W. Swackhamer (1972). Among his numerous suggestions was the creation of new policies and practices that would hold inmates in more secure facilities. In Australia, the Nagle Royal Commission was established after prisoners destroyed Bathurst prison during the course of riots (1974), the cause of which was identified as a pattern of correctional officer brutality. The commission also tried to disentangle the reasons for the establishment of the Katingal prison and its high-security unit and recommended that the prison be closed (Brown and Carlton, this volume). In fact, each new successive high-security prison in Australia appears to have been opened in reaction to numerous acts of prisoner resistance that occurred in previous facilities. In the Netherlands, after various inmate escapes, the minister of justice initiated an investigation into the existing SSUs. The Hoekstra Report (1992) recommended the building of separate high-security prisons rather than the usage of ones that were extensions of closed prisons.
6. *Visits by politicians and/or heads of the ministry/department of corrections to American supermax prisons.* Before constructing the Ebongweni supermax prison (opened in 2002) in South Africa, the minister of corrections went on a study tour, which included a visit to a supermax facility in Colorado. When the decision was made to build the

institution, South African architects were sent to the United States to look at similar facilities (Buntman and Muntingh, this volume). Similarly, Paremoremo prison in New Zealand was modeled on Marion prison in Illinois.

7. *Opposition.* In almost all countries, a limited number of individuals opposed the construction of supermax facilities. This included both prison activists and political parties, whose efforts were directed against the construction of the supermax facilities. This opposition developed either at the discussion stage or after the facility was built. Political opposition was commonly in the form of protests by activist groups, or it was carried out by opposition members of parliament through public statements to the news media or during political debates. In the Netherlands, counter to what one would expect, the governor's union (akin to an organization representing prison wardens) opposed the construction of any new SSUs, arguing that it would detract from the current policies and practices of rehabilitation that existed in the Dutch Prison Service (Resodihardjo, this volume).
8. *Passage of enabling policies, practices, and/or legislation.* In many countries, the supermax facilities and control units were given the green light through the passage of enabling legislation. For example, in 2001 the Brazilian legislature passed the Regime Disciplinar Diferenciado. The policy, which was reaffirmed in 2003, "allows for a prisoner to be placed in an individual cell for 360 days, subject to further sanction for misconduct, up to one-sixth of a sentence. The benefits under this law are limited: two hours of out-of-cell time in small groups, according to gang affiliation, and weekly visits for two hours, during which the inmate and visitors (up to two, not counting children) are separated by grids and screens" (Jesus Filho, this volume). This laid the procedural and policy groundwork for the establishment of supermax prisons, first in the Penitentiary Rehabilitation Centre of Taubaté and later in different regions of the country.

In most countries, the decision to introduce supermax prisons was not clear-cut. Each state experienced "growing pains." In Canada, for example, the federal Correctional Services of Canada played a ping-pong game of constructing a high-security prison (Saskatchewan Penitentiary) as a secure handling unit and then demobilizing it, to only then construct a completely new one (Sainte-Anne-des-Plaines) (Ross, this volume).

FACTORING OUT GLOBALIZATION

As the previous review should indicate, each country had its own unique reasons for implementing a supermax prison model. And trying to factor out

the influence of globalization is very difficult. With the exception of Abu Ghraib and Guantánamo, both American inventions transported to different countries, the issue of causality was more iterative (i.e., constantly evolving) than unidirectional (i.e., the United States to the foreign country). In other words, each country experimented with new procedures and practices, and when the prison officials deemed it appropriate, new facilities to house their most incorrigible criminals were constructed.

One reason to explain the adoption of the supermax relates to the relative punitiveness of the states that took the leap to build such facilities, keeping in mind that some countries (not covered in this study), while they may have officially rejected the supermax name, have for all intents and purposes constructed supermax-like structures. This is perhaps why Snacken (2010, 275) suggests that even if a state is a democracy, it will vary in its relative punitiveness and guarantees of human rights among prisoners. Also noteworthy is the fact that some of the correctional institutions in each country changed their administrative regimes so that their methods came to more closely resemble the supermaxes when comparing one prison or correctional administration to another.

The connection between globalization and Guantánamo and Abu Ghraib is not as conceptually clear as is the case with the countries analyzed in this book. In most respects, both facilities are American inventions, so it is only natural that US policies and practices that are used stateside were imported to both of these institutions (M. Brown 2005). However, in many respects, the two prisons do not completely reflect traditional correctional practices but instead utilize methods once used in navy brigs and at places like Leavenworth, the infamous American military prison.

With the exception of Abu Ghraib and Guantánamo, few of the high-security prisons have held so-called terrorists. And if current reports are accurate, the percentage of those detained at these prisons who were indeed terrorists was quite small. In 2007, Acacia Prison in Australia was unique because it held individuals who were preparing for terrorist actions. And the US supermax in Florence, Colorado, holds individuals convicted of terrorism-related crimes, but otherwise few supermax and high-security prisons have been utilized for detaining terrorists.

WHAT THE FUTURE HOLDS

Because supermax prisons are the most expensive alternative in a country's correctional system, in these times of economic restraint, many states have been forced to take an even closer look at their expenditures. The decision to build a supermax prison, no matter what its real or prospective, alleged, or actual merits are, is rarely taken lightly by a country's legislature and ministries/departments of correction. In order not to repeat the same

mistakes as other jurisdictions, although it is prudent to see what other countries have done, each state must forge its own path lest it be seen as simply mimicking American criminal justice policy directions and practices. Alternatively, the solutions must be tailored to each state's own unique circumstances. It is interesting to note that in many countries reviewed in this book (e.g., South Africa and the United States), many of the supermax facilities have not been operated at full capacity. This means either that the need was overestimated or that DOCs have now found it necessary to expand the classifications of prisoners to enable them to be transferred to existing supermaxes to justify the expenditure. Furthermore, one needs to consider that many supermax prisons are underutilized. Almost all of the countries reviewed in this book have reported periods during which their high-security prisons were below capacity.

Finally, over a decade ago well-known penologist Hans Toch wrote a highly cited article, "The Future of Supermax Confinement" (2001). This piece outlined most of the negative features of American supermax prisons covered in this book. Short of suggesting their complete elimination, Toch provided a number of reforms designed to "humanize" high-security prisons. Unfortunately, despite the wisdom of the proposed reforms, over a decade later few of these changes have been implemented. Thus, it is hard to predict what the future holds for the supermax, both in the United States and elsewhere.