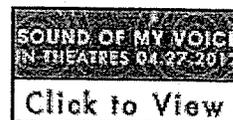


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Prisons Rethink Isolation, Saving Money, Lives and Sanity

By ERICA GOODE

PARCHMAN, Miss. — The heat was suffocating, and the inmates locked alone in cells in Unit 32, the state's super-maximum-security prison, wiped away sweat as they lay on concrete slab beds.

Kept in solitary confinement for up to 23 hours each day, allowed out only in shackles and escorted by guards, they were restless and angry — made more so by the excrement-smearred walls, the insects, the filthy food trays and the mentally ill inmates who screamed in the night, conditions that a judge had already ruled unacceptable.

So it was not really surprising when violence erupted in 2007: an inmate stabbed to death with a homemade spear that May; in June, a suicide; in July, another stabbing; in August, a prisoner killed by a member of a rival gang.

What was surprising was what happened next. Instead of tightening restrictions further, prison officials loosened them.

They allowed most inmates out of their cells for hours each day. They built a basketball court and a group dining area. They put rehabilitation programs in place and let prisoners work their way to greater privileges.

In response, the inmates became better behaved. Violence went down. The number of prisoners in isolation dropped to about 300 from more than 1,000. So many inmates were moved into the general population of other prisons that Unit 32 was closed in 2010, saving the state more than \$5 million.

The transformation of the Mississippi prison has become a focal point for a growing number of states that are rethinking the use of long-term isolation and re-evaluating how many inmates really require it, how long they should be kept there and how best to move them out. Colorado, Illinois, Maine, Ohio and Washington State have been taking steps to reduce the number of prisoners in long-term isolation; others have plans to do so. On Friday, officials in California announced a plan for policy changes that could result in fewer prisoners being sent to the state's three super-maximum-security units.

The efforts represent an about-face to an approach that began three decades ago, when corrections departments — responding to increasing problems with prison gangs, stiffer sentencing policies that led to overcrowding and the “get tough on crime” demands of legislators — began removing ever larger numbers of inmates from the general population. They placed them in special prisons designed to house inmates in long-term isolation or in other types of segregation.

At least 25,000 prisoners — and probably tens of thousands more, criminal justice experts say — are still in solitary confinement in the United States. Some remain there for weeks or months; others for years or even decades. More inmates are held in solitary confinement here than in any other democratic nation, a fact highlighted in a United Nations report last week.

Humanitarian groups have long argued that solitary confinement has devastating psychological effects, but a central driver in the recent shift is economics. Segregation units can be two to three times as costly to build and, because of their extensive staffing requirements, to operate as conventional prisons are. They are an expense that many recession-plagued states can ill afford; Gov. Pat Quinn of Illinois announced plans late last month to close the state’s supermax prison for budgetary reasons.

Some officials have also been persuaded by research suggesting that isolation is vastly overused and that it does little to reduce overall prison violence. Inmates kept in such conditions, most of whom will eventually be released, may be more dangerous when they emerge, studies suggest.

Christopher B. Epps, Mississippi’s commissioner of corrections, said he found his own views changing as he fought an American Civil Liberties Union lawsuit over conditions in the prison, which one former inmate described as “hell, an insane asylum.”

Mr. Epps said he started out believing that difficult inmates should be locked down as tightly as possible, for as long as possible.

“That was the culture, and I was part of it,” he said.

By the end of the process, he saw things differently and ordered the changes.

“If you treat people like animals, that’s exactly the way they’ll behave,” he now says.

A Very Costly Experiment

James F. Austin held up the file of an inmate in Unit 32 and posed a question to the staff members gathered in a conference room at the Mississippi Department of Corrections headquarters in Jackson.

“O.K., does this guy really need to be there?” he asked.

It was June 2007, and the department was under pressure to make court-ordered improvements to conditions at Unit 32, where violence was brewing. Dr. Austin, a prison consultant, had been called in by the state. As the discussion proceeded, the staff members were startled to discover that many inmates in Unit 32 had been sent there not because they were highly dangerous, but because they were a nuisance — they had disobeyed orders, had walked away from a minimum-security program or were low-level gang members with no history of causing trouble while incarcerated.

“He started saying, ‘You tell me what kind of person needs to be locked up,’ and it wasn’t near the numbers that we had,” said Emmitt L. Sparkman, deputy commissioner of corrections. By the time they were done, the group had determined that up to 80 percent of the 1,000 or more inmates at Unit 32 could probably be safely moved to less restrictive settings.

Like many such prisons, Mississippi’s supermax, opened in 1990, owed its existence to the fervor for tougher punishment that swept through the country in the 1980s and 1990s.

“There was an incredible explosion in the prison population coupled with a big infusion of gangs,” Dr. Austin said. “Riots were occurring. Prison officials were literally losing control.”

Some states built special units to isolate difficult prisoners — “the worst of the worst,” prison officials said — from the general prison population. Others retrofitted existing prisons or established smaller units within larger facilities. The federal penitentiary in Marion, Ill., was locked down in 1983 after the murder of two prison guards, its inmates confined to cells 23 hours a day and then kept that way permanently. In 1989, California opened Pelican Bay State Prison in Crescent City, a remote town near the Oregon border, specially designed to control inmates in conditions that minimize human interaction.

By 2005, 44 states had supermax prisons or their equivalents. In most, inmates were let out of their cells for only a few hours a week. They were fed through slots in their cell doors and were denied access to work programs or other rehabilitation efforts. If visitors were allowed, the interactions were conducted with no physical contact.

And while prisoners had previously been sent to isolation for 10 or perhaps 30 days as a temporary disciplinary measure, they were now often placed there indefinitely.

Asked to explain the purpose of such confinement, prison wardens surveyed in 2006 by Dan Mears, a professor of criminology at Florida State University, cited “increasing safety, order and control throughout prison systems and incapacitating violent or disruptive inmates.”

But beyond that, said Dr. Mears, who called the rise of supermax prisons “a big, very costly experiment,” the goals seemed murky. Who exactly were “the worst of the worst”? How many people really needed such harsh control, and for how long? And how should the effectiveness of the prisons be judged, especially when measured against the costs of building and operating them?

Dr. Mears said there were no clear answers; indeed, he said, it is virtually impossible to determine how many inmates are in supermax prisons in the United States because there is no national tracking system and because states differ widely in what they call segregation units. "I don't know of any business that would do this, not something that costs this much, with so little evidence or clarity about what you're getting," Dr. Mears said.

With no precise definition of who belonged there, prison systems began to send people to segregation units who bore little resemblance to the serial killers or terrorists the public imagined filled such prisons.

"Certainly there are a small number of people who for a variety of reasons have to be maintained in a way that they don't have access to other inmates," said Chase Riveland, a former head of corrections in Colorado and Washington State who now serves as an expert witness in prison cases. "But those in most systems are pretty small numbers of people."

Mr. Epps, who is also president of the American Correctional Association, likes to say prison officials started out isolating inmates they were scared of but ended up adding many they were simply "mad at."

'The Real Damage'

In 1831, the French historian Alexis de Tocqueville visited the Eastern State Penitentiary in Philadelphia, where prison officials were pioneering a novel rehabilitation method based on Quaker principles of reflection and penitence. They called it solitary confinement.

"Placed alone in view of his crime," de Tocqueville wrote in a report to the French government, the prisoner "learns to hate it, and if his soul be not yet surfeited with crime, and thus have lost all taste for any thing better, it is in solitude, where remorse will come to assail him."

But for many prisoners, isolation was as likely to produce mental illness as remorse, and by the late 19th century, enthusiasm for the approach had flagged. In 1890, deciding the case of a death row inmate held in solitary confinement, Justice Samuel Freeman Miller of the Supreme Court wrote that many prisoners fell, "after even a short confinement, into a semifatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still committed suicide."

It was the last time the nation's highest court would address the psychological effects of solitary confinement directly. But lower courts in some states have acknowledged the stress that isolation puts on inmates who are already mentally ill, prohibiting their being placed in solitary except in urgent circumstances.

When Dr. Terry Kupers, a psychiatrist and expert on the effects of solitary confinement, toured

Unit 32 for the plaintiffs in the A.C.L.U. lawsuit, he found that about 100 of the more than 1,000 inmates there had serious mental illness, in many cases improperly diagnosed. Some were actively hallucinating. Others threw feces or urine at guards or howled in the night.

In turn, the mentally ill inmates were mistreated by corrections officers, who had little understanding of their condition, Dr. Kupers said.

In a report filed to the court, he described the case of James Coffield, a mentally ill prisoner who had demonstrated “a long history in Unit 32 of bizarre and disruptive behaviors” that prison psychiatrists “characterized as merely ‘manipulative’ and which security staff punished with increasingly harsh force, including repeated gassing with chemicals.”

Mr. Coffield eventually tried to hang himself but failed and ended up in a vegetative state.

Many states continue to house inmates with mental illness in isolation. Some inmates appear to function adequately in solitary confinement or even say they prefer it. But studies suggest that the rigid control, absence of normal human interaction and lack of stimulation imposed by prolonged isolation can cause a wide range of psychological symptoms including insomnia, withdrawal, rage and aggression, depression, hallucinations and thoughts of suicide, even in prisoners who are mentally healthy to begin with.

A study of prisoners in the Pelican Bay supermax, for example, found that almost all reported nervousness, anxiety, lethargy or other psychological complaints. Seventy percent said they felt themselves to be at risk of “impending nervous breakdown.”

“Worse still is the fact that for many of these men, the real damage only becomes apparent when they get out of this environment,” said Craig W. Haney, a professor of psychology at the University of California, Santa Cruz, and an expert on the effects of solitary confinement, who led the study.

In fact, some research has found that inmates released from supermax units are more likely to reoffend than comparable prisoners released from conventional maximum-security prisons, and that those crimes are more likely to be violent. In Colorado, said Tom Clements, executive director of corrections, it turned out that about 40 percent of inmates held in long-term isolation were being released directly to the community with no transition period.

The psychological research has drawn attention, not least from the international community. In a report presented to the United Nations Human Rights Council in Geneva on Monday, Juan E. Méndez, the U.N.’s special rapporteur on torture and other abuse, called for a ban on solitary confinement except in limited situations and singled out the United States for its reliance on the method.

In 2010, the European Court of Human Rights blocked the extradition of four terrorism suspects

from Britain, saying it wanted to study whether imprisonment at the federal supermax prison in Florence, Colo., violated a ban on inhuman or degrading treatment.

Yet for states, economic and practical arguments may prove more persuasive than humanitarian concerns.

“It’s just exceedingly expensive to hold someone in a segregation bed,” said Angela Browne, a senior fellow at the Vera Institute of Justice, a nonprofit policy and research group, and head of the institute’s segregation reduction project, which works with states to find alternatives to segregation.

Several states, citing economic reasons, have converted supermax units to more conventional prisons, and a few have closed the prisons altogether. Unit 32 was closed in 2010. The increased costs are largely a result of the staffing required to deliver food and other services to cells and escort prisoners when they are let out.

In 2010, for example, Virginia reported that it cost \$89.59 per day to keep a prisoner at Red Onion State Prison, a supermax unit with 399 employees, compared with \$60.04 per day at Sussex II State Prison, a maximum-security facility that houses almost 500 more inmates but has a staff of 353.

Gambling on Change

Roy Harper, serving time for armed robbery, kidnapping and other charges, used to wake in his cell at Unit 32 seized with anxiety every morning. “You never know what the day is going to bring,” he said recently.

Sometimes it was flooding from malfunctioning toilets. Sometimes it was inmates setting fires or cutting themselves — two prisoners cut off their own testicles in the time he spent there, he said — and sometimes it was just the sense of isolation he felt, “like being alone in the world.”

Mr. Harper was a prisoner in Unit 32 from the day it opened to the day it closed, 20 years later. But the summer of 2007, he recalled, was worse than most. When the killings began, prison officials first cracked down, taking away the inmates’ fans — the only relief from summer temperatures that approached 100 degrees and, according to an environmental expert who filed a report on the conditions, could feel like 120 or more. They kept prisoners in their cells around the clock, not even allowing them out for exercise, he said.

Mr. Sparkman, the deputy corrections commissioner, viewed the situation as so critical that in July he moved from his home in Jackson to Parchman, where Unit 32 sits on the grounds of the state penitentiary. It was clear that a different approach was needed, he said: “What we were doing, the 23-hour lockdown, was not working.”

But the shift had to be made carefully.

“It was gradual, and it was very controlled,” Mr. Sparkman said. “We started out with one building, identifying those groups that we could let out, and we let some of them out. Some of them we were able to transfer completely out.”

A few guards rebelled at the new orders and resigned in protest. A few others were fired. But by the end of six months, most prisoners were spending hours a day outside their cells or had been moved to the general population of other prisons. A clothing warehouse was turned into a group dining hall, and a maintenance room was converted to an activities center. The basketball court filled with players.

Mr. Harper did not benefit immediately from the changes. He remained in 23-hour lockdown until he worked his way to greater privileges. But he was elated at what he saw, he said, with inmates “working again, walking without chains, going to the yard, going to the chow hall.”

The A.C.L.U. continues to monitor conditions in other prisons in the state. But Margaret Winter, the lead lawyer for the A.C.L.U. in its lawsuit over Unit 32, said she watched the transformation there in wonder, especially as two men who at the beginning of the process seemed deeply entrenched in their views shifted direction. The change, she said, was “stunning.”

Mr. Sparkman said the new approach went against everything he had been trained to do. “If you’d come to me in 2002 and told me I was going to do something like that, I’d say, ‘You don’t know me,’” he said. “I’d have probably locked them down for anything that squeaked.”

Mr. Epps looks back at the decision as a nerve-racking gamble.

“Was it scary? Absolutely,” he said. “But it worked out just fine. We didn’t have a single incident.”

Scott Shane contributed reporting from Washington.

