



Examining the Details of Supermax Confinement: Commentary on a *One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*

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Abstract

A Colorado Department of Corrections study of the psychological effects of administrative segregation (AS) has sparked controversy. Especially contentious is a finding of improvement in some measures over time among most groups, even those in administrative segregation. This article focuses on two aspects: First, prisoners in the Colorado State Penitentiary (CSP), an administrative segregation prison, and in General Population (GP) were both initially tested during the relatively chaotic and stressful period surrounding the decision to place prisoners in administrative segregation and then retested again three months after the AS decision had been made and prisoners were placed. It is therefore not surprising that they might have felt less stressed and anxious once they had had time to settle into their new environments, albeit ones they might have disliked. Also, some GP prisoners could have still been housed in punitive segregation, while some CSP prisoners could have advanced to Level II of CSP, which is less restrictive than punitive segregation. The second focus of this article highlights certain conditions of confinement in administrative segregation and similar facilities that might affect the psychological well-

being of prisoners. As more research is done on this topic, it is recommended that researchers observe and collect data on those conditions of confinement that might alter research results, including the physical structure of these facilities; the human interaction that occurs within them; prison hardships such as boredom, lack of constructive activities and programming; incentives and disincentives; legitimation; and the fear of victimization, as well as actual victimization. Future research should not just ask what types of prisoners are benefitted or harmed, but also what conditions of confinement exacerbate problems rather than attenuate misbehavior.

Keywords: administrative segregation, Colorado, supermax, prison architecture, legitimation, incentives and disincentives

Introduction

Maureen O’Keefe of the Colorado Department of Corrections (DOC) and her colleagues at the University of Colorado at Colorado Springs conducted a longitudinal study of the psychological effects of administrative segregation (AS) on prisoners residing in the Colorado State Penitentiary, a 756-bed AS facility (O’Keefe et al., 2010). They hypothesized that these prisoners would develop “an array of psychological symptoms,” deteriorate over time (more rapidly for those who were mentally ill), and experience “more psychological deterioration over time than the comparison groups.” (p. ii) Without describing their entire methodology here, AS prisoners at the Colorado State Penitentiary (CSP) were compared to general population (GP) prisoners with serious misbehavior (not consigned to AS) and to prisoners with serious misbehavior problems residing at the San Carlos Correctional Facility (SCCF), a psychiatric care facility. Both the CSP and GP groups were further divided into those designated as being mentally ill (MI) and not mentally ill (NMI). In general, the study found that four of the five groups

(SCCF, GP NMI, CSP MI, CSP NMI) were elevated on multiple psychological and cognitive test measures compared to normative adult samples. The study noted some improvement in measures over time among most groups, especially between the first and second testing period though most measures remained stable during the remainder of the testing periods. Prisoners with mental illness (GP MI, CSP MI, SCCF) presented poorer psychological and cognitive functioning than those without mental illness. Finally, offenders in administrative segregation who were mentally ill (CSP MI) improved, but those without mental illness (CSP NMI) did not.

Early responses to this study have been exceedingly critical of the report, completely dismissing its findings because of methodological issues (Drew, 2010; Grassian, 2010; Ridgeway & Casella, 2010). The chief methodological criticism has been a concern that paper and pencil self-report instruments were used and interpreted without the benefit of confirming interviews, clinical reviews, or recorded clinical and prison incident data. A companion criticism is that the instruments had not been validated for a prisoner population, especially one that included those who were mentally ill. Other criticisms include the concern that exclusion of some potential participants (mostly prisoners who refused to participate in the study or who could not read) skewed the results and that the attractiveness of the researcher administering the self-report instruments somehow caused prisoners to all respond in such a way that invalidated the results. While the latter critique is ludicrous at best, most of the other concerns are valid points, especially the need to use triangulation, drawing on both qualitative and quantitative data, prisoner and staff responses, and any relevant prison data to corroborate one's findings.

Entering Punitive or Administrative Segregation

One finding is not at all surprising, namely that most all groups improved between the first and second testing period. General Population (GP) prisoners were those that were referred to an AS hearing but *were not* classified to AS, plus a very small number who were at risk for AS and chosen for an AS diversion program. CSP prisoners were those who were referred to an AS hearing and *were* classified to

AS. Initial testing for the AS and GP groups was completed either prior to the AS hearings or soon after them. In essence, for both the CSP and GP groups, the initial testing took place at the same time in similar circumstances. The disciplinary process—issuance of a disciplinary report, attendance at disciplinary hearings, appeals, possible reclassification, and waiting for classification placements—can be a lengthy process (Rocheleau, 1998). But more importantly, it can be a very stressful process, one that might impair a prisoner's psychological functions due to the anxiety of not knowing one's fate and the possible anger or depression attributable to events taking place during this lengthy process. Thus, the comparison of the CSP and the GP groups between the first and second testing period actually compared how both groups fared at some point during this process and then how they fared once they were settled into their respective placements. Some of the CSP participants were already in Level II by the time the second testing was administered; others were still in Level I. On the other hand, by the second testing period GP participants could either have been back in general population or still in punitive segregation where conditions of confinement are more restrictive than in Level II of CSP. Thus, the psychological welfare of prisoners in both groups might be expected to improve from this emotion-ridden period of essential limbo to a more settled time period where prisoners, albeit unhappy about their circumstances, at least know the circumstances they are in and have had time to become more settled.

The first set of tests could be used as a baseline, but not in conjunction with analysis on the effects of AS. While the researchers in this case wanted to make the comparison groups analogous, to answer the questions asked about the effects of AS, each testing period for the AS group should have taken place in AS. Similarly, testing for the GP participants should have begun once the question of placement was settled. However, the mix of GP participants—some in diversion, some in general population, and some in punitive segregation (all at various institutions)—was itself problematic considering the size of the sample and the possibility that some but not all of these prisoners were settled in the second testing period.

Yet given the population of the Colorado DOC, it is hard to think of a more appropriate control sample, short of random assignment, than the one that was used. One other problem with the testing periods is the lack of information about where each took place. At CSP, prisoners who optimally moved from Level I through Level III in a timely fashion would encounter a much different experience than those that could not get past Levels I or II. Similarly, research has shown that one of the best predictors of future prison misconduct is prior misconduct (Harer & Langan, 2001; Camp, Gaes, Langan, & Saylor, 2003; Cunningham & Sorensen, 2007) and so it is completely probable that GP prisoners were moving back and forth from general population into punitive segregation, again into conditions that were more restrictive than Level II and especially Level III of the CSP. These are minute details, but ones that could potentially throw off results.

Conditions of confinement

There has been no shortage of articles critiquing supermax prisons and calling for further research into its long-term effects and effectiveness (Toch, 2001; Pizarro & Stenius, 2004; Mears, 2005; King, 2005; Pizarro, Stenius, & Pratt, 2006; Mears & Reisig, 2006; Mears & Watson, 2006; Lovell, Johnson, & Cain, 2007). Indeed, the report in question builds on previous studies conducted by O'Keefe on the characteristics of prisoners classified to administrative segregation (O'Keefe, 2007; 2008). In the first of these studies, O'Keefe (2007) found that mental illness was the third strongest predictor (stronger than prison infractions) of classification to administrative segregation in Colorado. In this study, she called for more rigorous programming and treatment for those residing in administrative segregation. In the second study, O'Keefe (2008) provided a comparison of AS with non-AS prisoners and found that AS prisoners were more disruptive, with histories of nonconformity, and more likely to have pre-existing mental health needs and mental health needs that were more acute. She called for more research, including process evaluations that describe the conditions of confinement in AS.

O'Keefe should be commended for her persistence in pursuing this challenging research agenda and the Colorado DOC should be lauded for supporting research. Many prisons close their gates to researchers, much less support them. Neither O'Keefe nor her collaborators on this project anticipated the results they found in their research, repeating this claim several times in their report. O'Keefe (2010, p. 80) concludes that "replication is needed in other prison systems to determine whether these findings still hold true when the conditions of confinement are varied." They listed several variables that might help explain their findings, including the type and intensity of psychiatric treatment, the quality and quantity of time in one's cell, the amount and type of interpersonal interaction, the level of privileges, the role of staff, and prisoners' perceptions of staff.

Rather than focus on the methodological issues and psychological factors that might have yielded the current findings, the second focus of this commentary highlights the possibility that some conditions of confinement might produce conflicting research findings on administrative segregation or similar facilities. In one of her studies, O'Keefe (2008, p. 140) asks "for whom is solitary confinement harmful?" Others might prefer the question "for whom is solitary confinement effective?" Yet both questions direct the focus of research on the residents of supermax facilities, rather than on the facilities themselves. At this point some researchers should be asking, "What conditions of confinement and associated circumstances cause harm to offenders and which exacerbate misbehavior rather than attenuate it?"

We can no longer work on the assumption that all administrative segregation facilities, all supermaxes, or all special housing units are alike. In outlining his speculative model for explaining prison violence, Bottoms (1999) exhorted researchers to examine the prisoners who misbehave, the prisoner environment, and the interface of the two, especially paying attention to how prisoners interpret their environment and then, in turn, shape and transform it. He has called for a more refined approach that examines the daily minutiae of prison life and how they may contribute to misconduct. Likewise, researchers who study either the psychological effects or the efficacy of AS would do well to consider

some of the conditions of confinement that might influence their findings. The following sections will focus on various aspects of administrative segregation that might affect prisoners' psychological welfare, their ability to cope, and their continued misbehavior and violence.

Physical environment and human interaction

Criminologists and prisoner advocates have written descriptions of supermax or similar facilities that portray a stark, dreary, and austere environment with often too much or too little lighting or sound and an architecture and regime that minimize human interaction and produce understimulation and sensory deprivation (Human Rights Watch, 1999; Kurki & Morris, 2001; Toch, 2001; Haney, 2008). Having visited a half-dozen such prisons or units, I was struck by the study's detailed description of the CSP and I wondered how its structural features measured up to those in other facilities. In particular, what physical features of supermaxes lead to decreased psychological well-being? Similarly, what physical and regime features of these facilities impede human interaction to the point of understimulation, sensory deprivation, seething anger, and encompassing hopelessness?

In many supermax facilities, inmate interaction is impossible and interaction with staff is either minimal or non-existent (Toch, 2001). Although human interaction in the CSP was relatively minimal, prisoners did seem to have a bit more opportunity to interact with others as compared to other similar facilities. Officers physically made rounds every 30 minutes and prisoners could push an intercom button to make requests or "simply to chat," although the actual level of interaction between prisoners and staff was not reported. Since prisoners' cells face one another and cell doors have windows, prisoners can either use sign language or yell through the doors to interact. Also, there was a note made of the fact that a prisoner in the recreation area could yell out exercises so that prisoners in their cells could follow along. Thus, while interaction between prisoners is against the rules at CSP, it seems that at times it is possibly tolerated. There also appears to be more interaction, albeit limited, between prisoners and non-uniformed staff,

such as mental health workers, the librarian, teachers, and case counselors who mostly come by weekly to check on prisoners and to distribute and collect books, assignments, and homework. In addition, prisoners who are mentally ill have slightly more access to mental health workers. Though the level of human interaction at CSP appears dangerously minimal to its inhabitants, it might be slightly more optimal than most similar facilities including punitive segregation in Colorado experienced by GP prisoners. Thus, the details of both the physical conditions and daily regimes might have some effect on prisoners' individual adaptations and ultimately on their psychological well-being. These comments in no way are meant to justify or support the stark physical and regime conditions of this or any other administrative segregation unit, but instead are meant to suggest that researchers who conduct studies on the effects or efficacy of AS should give detailed descriptions of these facilities and their conditions so that over time patterns might emerge.

Prison hardships

Three prison hardships have been found that affect prisoners' general adjustment to prison and also their chances of involvement in serious misconduct and violence:

- boredom;
- lack of involvement in treatment and other constructive activities; and
- fear.

Boredom in prison has been found to decrease prisoners' physical and psychological well-being (Zamble & Porporino, 1988; Maitland & Sluder, 1998; Johnson, 2002). It gives prisoners too much time to dwell on their current and potential problems; ruminate about negative past events; and plan and carry out acts of misbehavior and violence. Indeed, prisoners who were bored were more likely to have continued involvement in serious prison misconduct and violence (Rocheleau, 2011), adding to the likelihood of

continued stints of punitive or administrative segregation. Thus, boredom in solitary confinement is very likely to affect prisoners' psychological well-being.

Closely related to boredom is the lack of mental and physical activities and treatment programming for prisoners (Zamble & Porporino, 1988; Johnson, 2002). Researchers have found a correlation between work and serious misbehavior: prisoners who did not work (Huebner, 2003; Steiner & Wooldredge, 2008) and who had decreased participation in constructive activities and more idle time in their cells (Wright, 1991; Rocheleau, 2011) were more likely to be involved in serious misconduct and violence.

One then must look at the opportunities for involvement in activity and programming in administrative segregation. Most accounts of life in a supermax include details about the crushing boredom and its debilitating consequences (Toch, 2001; Kurki & Morris, 2001; Haney, 2008). Recently I heard a former prisoner speak about having been in solitary confinement for five years. He talked about his quest to occupy his time and his mind with mundane tasks, such as counting bricks in his cell, exercising, watching and talking to insects, to avoid ruminating about his conditions of confinement, the hopelessness he felt, and his fear of losing his mind. While the conditions of confinement in punitive segregation and Level I of the CSP were similarly stark, prisoners were afforded slightly more opportunities for involvement in entertaining and constructive activities and treatment in the next two levels. Prisoners in Levels II and III in CSP could have a television with control of over 20 television stations, music, and monthly bingo games. In addition, they had access to books, magazines, art supplies, solitary games, puzzles, and self-improvement pamphlets. They were also expected to participate in three cognitive classes, each lasting three months that involved reading and assignments. Finally, their visits and phone calls outside increased as they progressed from one level to another. Thus, one might conclude that prisoners in the CSP were less likely to be bored and more likely to be involved in treatment and other activities than either prisoners in punitive segregation in Colorado or in most

supermaxes or administrative segregation facilities in the country, a condition that might affect their psychological well-being.

Fear is another debilitating prison hardship. Human rights and inmate advocate groups as well as others have alleged that staff members engage in the systematic and severe abuse of prisoners in supermax (Human Rights Watch, 1999; Kurki & Morris, 2001; Haney, 2008). These observers have described abuse that includes excessive use of force, extracting inmates unnecessarily out of their cells, outright physical abuse, putting inmates in situations where they can be assaulted by other inmates, and constant verbal abuse.

Maitland and Sluder (1996) discovered:

The degree to which an inmate fears being a victim of prison violence is the strongest predictor of general well-being...This finding suggests that an inmate experiencing a high level of fear suffers physically and psychologically. He is often tense, anxious, and unsure of himself. He is often bothered by his "nerves" and feels pressured. He has a low level of energy, is sad and discouraged, and may suffer from illness of physical pain. (p. 28)

Hochstetler and his colleagues found that prison victimization predicts post-traumatic stress and other depressive symptoms (Hochstetler, Murphy, & Simons, 2004). Other researchers have found similar relationships between victimization or fear of victimization and physical and psychological well-being (McCorkle, 1993; Wolf & Shi, 2009; O'Donnell & Edgar, 2010). Unfortunately, the present study did not collect data on victimization or the fear of victimization by staff or other prisoners. This is another instance where individual in-depth interviews with a smaller number of prisoners or the inclusion of a handful of additional questions would have been valuable to the interpretation of the data. This is especially true in the Colorado DOC since the system does not have protective custody housing. It is not uncommon for prisoners at risk for victimization (offenders with heinous crimes, those who have given state's witness, snitches, and gang enemies) to end up in administrative segregation either because they

were involved in defending themselves in fights; they pre-emptively struck out at others to avoid attack; or they purposely acted out to “PC oneself into segregation” (Rocheleau, 2011). Thus, a small minority of prisoners in administrative segregation in general, and in Colorado in particular, might actually feel safer, at least initially, upon entrance to AS in comparison to being in general population. The potential and dynamics of fear and victimization in Colorado’s general population and its administrative segregation population is another condition of confinement that might have affected prisoners’ well-being and the results of this research.

Incentives and disincentives

The existence and nature of the incentives and disincentives incorporated into supermax regimes are of paramount importance to prisoners and might also affect their psychological well-being. Descriptions of incentives and disincentives in administrative and punitive segregation are light on the former and extremely heavy on the latter (Toch, 2001; Haney, 2008; Kupers et al., 2009). Many prisoners in these facilities “get buried in seg” and are unable to break the cycle of misbehavior, anger, and disciplinary reports that results in longer and longer stays in these facilities (Rocheleau, 1986; 1998). Reporting on the litigation in Mississippi that required the state’s DOC to improve its conditions of confinement at the supermax Unit 32 of the Mississippi State Penitentiary at Parchman, Kupers et al. (2009) described the changes in classification and the implementation of a review process that resulted in the removal of prisoners who had been improperly classified and/or mentally ill. Even though the prisoners who remained had been involved in serious prison misconduct and violence, disciplinary reports and use of force incidents plummeted. The researchers assumed that the changes in the classification and review processes had given prisoners renewed hope that they could eventually earn their way out of supermax. Kupers et al. explain that in addition “the MDOC administration focused greater attention on the professionalism of custody staff, and (that) a subgroup of custody staff received training in mental health. These changes, plus the reduction in crowding... all played into a greater sense of fairness and calm

within the facility” eventually resulting in the reduction of both disciplinary and use of force incidents (Kupers et al., 2009, p. 1047).

Though not all prisoners can or will respond to incentives and disincentives, an important balance of these two elements can affect the ecology of a prison or housing area. The CSP in Colorado has a three-phase step-down system whereby prisoners could progress from Level I to Level III, earning privileges along the way and eventually moving out of the facility. While movement and privileges in Level I were extremely restrictive (like those in punitive segregation in general population), prisoners could move off of Level I after one week of good behavior. Movement between Level II and Level III depended on continued good behavior, but also participation in cognitive classes that would hopefully result in prisoners learning skills that might help them better cope with prison stresses and hardships. Increased privileges in Levels II and III included access to TV, games, art supplies, etc. and an increase in the quantity and length of visits and phone calls. Prisoners in Level III could also work and earn money. The disincentives in the CSP are even more atypical of a supermax-like environment. In the CSP prisoners do not receive disciplinary reports and thus cannot accrue more time in segregation. Instead minor infractions are addressed by removing the privileges mentioned above. Consistent misbehavior might result in a regression of level, but was described as a less likely occurrence though one that does result in lengthier stays in CSP. Yet prisoners who can see a clearly outlined path out of supermax or a similar facility are more likely to be hopeful and might also exhibit other signs of psychological well-being. Of course, this does not mean that this facility or its incentives are appropriate for all prisoners involved in serious misbehavior; it is especially questionable for those who are mentally ill.

Legitimation

Legitimation is another condition of confinement that might affect the psychological well-being of prisoners in administrative segregation. According to Bottoms (1999, p. 255), legitimation is “whether, judged by the reasonable standards of the wider community in which the prison is set, prisoners come to

see the behavior of their custodians as being justifiable, comprehensible, consistent and hence *fair*—or, alternatively, unwarranted, arbitrary, capricious, and overweening.” He lists three separate facets of legitimation: fairness of staff, fairness of regime (such as daily activities that include visits, time out of cell, disciplinary policies), and distributive fairness (the formal procedures used in the grievance and disciplinary processes). In Rocheleau’s (2011) Rhode Island study of serious prison misconduct and violence, prisoners and correctional staff suggested that issues of legitimation increased misconduct directly, as well as being moderated by the trait emotions of anxiety, depression, and especially anger. However, legitimation does not just affect prisoners’ likelihood of misbehavior—that is just one defiant response to a sense of injustice. Correctional practices that are perennially unfair may cause anger, frustration, depression, and a sense of hopelessness among prisoners. Unfair staff actions in punitive or administrative segregation range from being unreasonably denied a toothbrush or toilet paper to being given a disciplinary report for a made-up infraction to constant hounding of a prisoner until he loses control and lashes out (Rocheleau, 1998). Supermax prisoners also may feel hopeless and angry when they perceive that the disciplinary and grievance processes are unfair and when they cannot discontinue the perpetual cycle of disciplinary reports followed by increased time in solitary confinement. Both the fear of harm and the unfairness of staff exist in those supermax facilities where there is what Haney (2008) has labeled a “culture of harm.” Like prisoners who live in them, the conditions under which most correctional officers in supermax work are highly restricted. Haney (2008, p. 980) explains that these conditions heighten staff’s potential for abuse and the dehumanization of prisoners resulting in behavior that ranges from “callous indifference to the suffering of prisoners to their outright physical abuse.” If one thinks of the “culture of harm” at one end of the spectrum, at the other end might be the ideal situation where correction officers may collaborate with mental health and other treatment staff, including: identifying violent and other disruptive patterns among prisoners and helping to devise effective and workable interventions (Dvoskin & Spiers, 2004; Toch & Kupers, 2007; Adams & Ferrandino, 2008). Unfortunately, it is unclear where on this spectrum the staff at the Colorado DOC, and especially the

CSP, lie. Either way prisoners' perception of legitimation among a facility's staff, regime, and due process procedures may also affect their psychological well-being.

Conclusion

The recent study on the psychological effects of administrative segregation in the Colorado DOC is certainly controversial. Since others have critiqued the methods used in the study, this commentary focused on two issues. The first was to help explain the finding that prisoners in the study generally improved from the first to second testing period. Since prisoners in both the CSP and GP groups were initially tested during the relatively chaotic and stressful period of being considered for AS, it is not surprising that both sets of prisoners improved in the second testing when they were more settled into placements, were less stressed about the unknown, and had had time to adapt to their new environments, albeit ones they might have disliked. The use of prisoners potentially but not actually classified to AS as the control group (GP) might have been the best option short of random assignment. However, it is still problematic because these prisoners were in varying circumstances, including punitive segregation, and not all in general population as their label implied.

The second focus of this commentary was to highlight certain conditions of confinement in AS and other similar facilities that might affect the psychological well-being of prisoners. More and more research is being conducted on these facilities and it is recommended that researchers observe and collect data on some conditions of confinement that might affect research results. These include the physical structure of these facilities and the level of human interaction that occurs; several prison hardships (boredom, lack of constructive activities and programming, and fear and actual victimization); incentives and disincentives; and legitimation.

Though society certainly would have been better without the re-emergence of long-term solitary confinement in supermax-like facilities, it is unlikely that they will be dismantled any time soon. Instead, researchers must incorporate these detailed conditions of confinement and observe and collect data on

the minutiae of the everyday life in these facilities and in the general prison population. We should be helping correctional administrators who want to change their AS practices for the better. Just as numerous criminologists and prison advocates have shined a bright light on the problem of the mentally ill in supermax, future researchers need to illuminate those conditions of confinement that are particularly harmful to all prisoners in these institutions.

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