Long-term and Dangerous Inmates: Maximum Security Incarceration in the United States

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A Great Cities Institute Working Paper

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Abstract

In the federal courts and in a few states, the judge does not have discretion to fix sentences. Rather, sentences are determined according to administrative guidelines based upon previous criminal record and the seriousness of the current offense. In these "guidelines jurisdictions" there is little room for lengthening a sentence based upon predictions of future dangerousness. Inmates define themselves and are defined by prison officials in terms of age, race, dangerousness, gang affiliation, and interests, but not in terms of the length of their sentences.

The juxtaposition of long-term incarceration and the management of dangerousness have come to represent an important custodial problem for the American penal system. The development of social control mechanism and classification systems is directly related to the containment of institutional violence. Ethnographic research on long-term inmates suggests that most attempt to come to terms with their circumstances. The significant operational problem of today's prisons is to create an environment where a positive custodial adjustment can occur.

Long-term and Dangerous Inmates: Maximum Security Incarceration In the United States

The United States has a long history of violent crime. Its extraordinarily high level of violence is unique for a society with a high degree of political stability (see Table 1).[1] Thus, it is not surprising that the American criminal justice system is very much concerned with deterring and punishing violent behavior and incapacitating dangerous offenders. The system's goal, albeit only imperfectly articulated and realized, is to identify and arrest dangerous offenders, detain them prior to adjudication, sentence them to long prison terms and, while they are in prison, prevent them from victimizing other inmates and staff.[2] An immense criminal justice apparatus, organized at the federal, state, and local levels, assigns top priority to violent crime and violent criminals and its operations have produced a vast jail and prison population, approximately one million inmates. It is also not surprising that the prison system is constructed and operated to manage dangerous persons.[3]

Concern for "dangerousness" pervades the American criminal justice system, especially the penal system. By contrast, the "American penal system" traditionally has not paid particular attention to long-term offenders. On the one hand, this might seem surprising given the long criminal sentences meted out in the United States (compared to other countries). On the other, it might seem to be a logical consequence of the fact that so many American prisoners are serving long sentences.

The "Dangerous Offender" and American Law

American criminal law jurisprudence is rooted in the proposition that criminal responsibility requires proof of a criminal mind and a criminal act operating conjointly.[4] There is no crime of "being dangerous," although acting dangerously can be formulated as a crime, as in the offenses of "reckless endangerment" and "drunk driving."[5] For the most part, however, concerns about dangerousness are recognized in the substantive law of crimes; the most violent crimes are usually rated the most serious, i.e., carry the severest penalties.

One way in which American criminal law singles out dangerous offenders for especially severe punishment is by extending the period of incarceration for recidivists and habitual criminals. Some recidivist statutes are limited to repeat violent offenders, but many just provide extended sentences for any repeat offenders, dangerous and violent or not.[6]

Dangerousness per se can be dealt with more directly through mental health legislation. A person who is found by a judge to be mentally ill and dangerous to himself or others can be involuntarily committed to a mental hospital.[7] The person must be released when he is no longer dangerous and, in some states, the mental health officials must return to Court periodically to prove that the patient is not fit to be released. In the last two decades the number of involuntarily confined mental patients has decreased dramatically.

Sometimes the penal and mental health powers work conjointly. A prisoner who is mentally ill and dangerous can be transferred to a mental health facility, but is entitled to a hearing (*Vitek v. Jones*, 1980, 445 US 480). The state of Washington has a law by which a prisoner's confinement can be extended indefinitely via a civil commitment procedure if he is found to be a "sexually violent predator." A key factor in the commitment procedure is a clinical prediction of dangerousness, which relies heavily on the criminal acts of the offender performed years before the civil procedure, was begun. A constitutional challenge has been filed in the federal courts.[8]

The Dangerous Offender and the Criminal Justice System

There is no single satisfactory definition of "dangerous offender." "Dangerousness" is a complex concept, and people can be dangerous in many different ways.[9] Compare, for example, the dangerousness of a drunk driver with the dangerousness of a Mafia godfather with the dangerousness of an intoxicated crack cocaine addict. Dangerousness may be manifest or latent, impulsive or calculated, diffuse or focused, chronic or situational. The criminal justice system tends to define dangerousness in terms of the propensity to commit crimes of violence, and to take past action as the best predictor of action.[10]

Unfortunately, American police, prosecutors, and courts operate in an environment rich in violent crimes and in offenders who could plausibly be labeled violent. It is likely that police and prosecutorial agencies have an implicit working definition of dangerousness that they use in prioritizing resources among offenses and offenders.[11] As a practical matter, offenders who use guns and knives in committing their offenses or who, even without the use of such weapons, inflict or threaten great physical harm are treated as dangerous and prosecuted vigorously.

Some police and prosecutors' offices have specialized units dedicated to arresting and prosecuting dangerous offenders. Some departments maintain lists of people who meet the definition of "dangerous *predicate* offender." If a person who is on the list is arrested, even for a nonviolent crime, he will be prosecuted to the full extent of the law, the goal being to incarcerate him for the maximum period allowable for his current offense. This process is becoming highly sophisticated with the use of computer technology and interagency cooperation and collaboration.[12]

If police and prosecutors think a person who is accused of a crime is a dangerous offender, they will make every effort to have the offender detained until the adjudication of his case. This can either be done through high monetary bail or, in the federal system, through a pre-trial preventive detention hearing. While the U. S. Constitution guarantees that "no excessive bail will be imposed," an accused has no constitutional right to bail that he can afford to pay. Therefore, it is typical for judges to set extremely high bails for defendants charged with violent crimes. No doubt this implicit policy is driven largely by the judges' perception that a person charged with a violent offense is likely to be dangerous and to pose a risk of future violent crime. If, as is almost inevitable, the accused cannot "buy his freedom" by coming up with this high bail, he will be detained pending a guilty plea or trial.

The Federal Bail Reform Act does not allow high bail to be used to detain the accused preventatively. However, if the prosecutor believes that the release of the defendant would create an undue risk of future violence, he or she may move to have the defendant preventatively detained. For the defendant to be preventatively detained, the judge must find that there are no conditions of release that can reasonably assure the "safety of any other

person and the community" (18 USC 3142).

If the defendant pleads guilty or is found guilty at trial, the sentencing judge is likely to consider the offender's dangerousness when fixing the sentence. In most states, the sentencing judge has discretion to set the sentence up to a certain statutory maximum. In giving a defendant perceived to be dangerous the highest possible sentence, the judge need give no reasons, nor is the sentencing judge bound by any statutory definition of dangerousness. The judge often relies on the clinical judgment of a probation officer who provides a pre-sentencing report based on an interview with the defendant, analysis of his or her past criminal record, and interviews with people who know the defendant. Sometimes there is a formal psychological or psychiatric report, which may include a clinical prediction of dangerousness.[13]

In the federal courts and in a few states, the judge does not have discretion in fixing sentences. Rather, sentences are determined according to administrative guidelines based upon previous criminal record and the seriousness of the current offense. In these "guidelines jurisdictions" there is little room for lengthening a sentence based upon predictions of future dangerousness (von Hirsch et al., 1987). The concept of dangerousness also plays a role in capital punishment sentencing. In some states (Texas, for example), where the death penalty is an option, dangerousness is an aggravating factor that can elevate a murder into a capital murder. A Texas jury may sentence the defendant to death if it finds that "there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." In *Barefoot v. Estelle*, the United States Supreme Court ruled that psychiatric testimony about the defendant's future dangerousness was admissible as evidence, this despite a great deal of criticism about the accuracy and reliability of psychiatric predictions of dangerousness. The Supreme Court considered predictions of dangerousness based upon the defendant's mental health and character to be a commonplace feature of American criminal jurisprudence: "any sentencing authority must predict a convicted person's probable future conduct when it engages in the process of determining what punishment to impose." (*Barefoot v. Estelle*. 1983. 103 S. Ct. 3383.)

In most American states, prisoners are eligible to be released early from prison (sometimes after completing as little as one-third of their sentence) on parole. Whether the defendant will be granted parole will often depend upon the Parole Board's prediction of his future dangerousness. However, for the sake of coherent chronological discussion of dangerousness as the defendant moves through the criminal justice system, we defer our discussion of the parole stage until we cover the significance of dangerousness in the classification and treatment of prisoners.

Security Classification and Institutional Assignment

If the offender is sentenced to prison, he is subjected to another inquiry about his dangerousness. Dangerousness and escape proneness are the two most important factors in determining the type of prison and level of security to which the offender will be assigned. The prison officials who carry out the initial classification process will define dangerousness as the likelihood that an offender will constitute a risk to other prisoners and staff. Thus, it is possible that a Mafia Godfather might not be assigned to a maximum security prison because he might be thought not to present a risk of impulsive violence. Conversely, a person convicted of a nonviolent offense, such as the sale of drugs, might be assigned to a maximum security prison because he is thought to be impulsive and potentially violent. A known gang leader, who is

predicted to engage in gang organizing and group action, would certainly be defined as dangerous, whether or not his crime of conviction was one of serious violence.

The prison classification decision is usually made by a committee of prison officials, including a psychologist and a security officer. The psychologist will interview the offender and review his life history, which may already have been compiled by probation officers for the sentencing hearing. In part, the classification decision will be based upon a clinical psychological judgment about the offender's propensity for dangerousness in the prison system. Administrative regulations may set out general factors that officials should take into consideration in making their classification decision, but the decision is within the discretion of the prison officials.

According to the New York State Department of Correctional Services Guidelines (1988), an inmate is classified maximum security if he falls into any of the following categories:

sophistication of crimes and criminal history
patterns of impulsive serious violence
pattern of serious callous violence
violence against authority
vicious serious violence
arson
sex crimes
group gang membership
nomad (history of moving between cities and states)
aggressive homosexual
suicidal, or
psychological instability.

All states except the very smallest have an array of prisons ranging from minimum security (no wall; work camps), to medium security (free movement within walled or fenced compound), to maximum security (highly secure architecture, intense surveillance, regimentation, and controlled movement).

The Federal Bureau of Prisons ranks its prisons from "1" (least secure) to "6" (most secure). The U.S. Penitentiary at Marion is currently the only "security 6" institution, although a second "security 6" federal institution is currently being constructed in Florence, Colorado. In recent years, 36 states have constructed "maxi-maxi" prisons following the Marion model. Altogether, they are estimated to house approximately 13,000 inmates.

Prisoners do not necessarily maintain the same security classification throughout the entire period of their confinement. Reclassification upward (to a higher security prison) may depend on a prediction of dangerousness that follows an episode of violence (or an escape attempt) or even a series of nonviolent rule-violating behaviors. Reclassification downward may be based on a prediction of non-dangerousness following a long period of satisfactory behavior in the high security prison. Indeed, the existence of a range of different security prisons creates both positive and negative incentives for inmates to behave themselves. Good behavior can be rewarded by assignment to a less secure institution. Bad behavior can be punished by transfer to a higher security prison.[14] Thus, transferring (and threatening to transfer) inmates from one prison to another is an important strategy for maintaining social control of the prison system.

The Nature, Practice, and Problems of High-Security Confinement

Offenders perceived to be the most dangerous are assigned to maximum security and even to super-maximum security (maxi-maxi) prisons. The typical maximum security prisons like San Quentin (California), Attica (New York), and Stateville (Illinois) are well-known around the world through depictions in American movies. They are characterized by high walls to prevent escape, gun towers where officers armed with rifles keep a close watch on activities in the open spaces below, and large cellblocks with barred cells where prisoners are locked in when not working or eating. All movement is controlled; movement into and out of the cell house is monitored by metal detectors. Cell searches (for weapons and drugs) are routine, and strip searches are carried out whenever the inmate has a visitor.

This comprehensive and intense security is very expensive, both in terms of hardware and staffing. Beds, toilets, sinks, and light fixtures are designed and constructed out of special metals and plastics so that they cannot be destroyed. Some maximum security prisons employ one officer for every three or four inmates.

The staff in such institutions are trained to anticipate, cope with, and respond to individual and collective violence. Officers are routinely equipped with body alarms. Each institution maintains in readiness a full-time emergency response unit (with high-tech equipment) that can be immediately deployed to the scene of a problem. Weapons, including tear gas, are strategically stockpiled around the prison.

Despite the security-conscious architecture and secure operating procedures, a great deal of violence occurs inside American maximum security prisons. This is hardly surprising given the violent proclivities of the offenders who are forced to live together in these crowded and restricted conditions. One cannot help thinking, however, that the very architecture and regime constructed to prevent violence has a perverse violence-generating effect. For example, the controlled movements and long periods of time locked in cells may generate a great deal of tension and frustration. Indeed, all the “signals” that say that the inhabitants of these institutions are dangerous may set off something of a “self-fulfilling prophesy,” producing the very kind of behavior that is unwanted.

Some dangerous inmates cannot inhibit their impulses even when it is to their advantage to do so. Other inmates perceive an advantage in acting tough and violently. Much of the “reputation building” that inmates engage in entails violence toward other inmates. Psychologically, self-esteem may be enhanced in peer groups and victimization neutralized if an inmate establishes a reputation as “tough.” The propensity to escalate arguments into fights and assaults may be precipitated by the need for some degree of personal autonomy and by reactions against the authority of the prison. As prisons fill to capacity and beyond, constraints on behavior increase, and inmates may react angrily (and calculatedly) against infringements on their space and circumscribed autonomy. In addition, a great deal of violence in American prisons is gang-related, or involves competition for control of illicit goods and services such as drugs, sex, and alcohol (Jacobs, 1974).

Inmate violence is multi-dimensional. It involves inmate-on-inmate attacks (including rape) and group conflict. Group conflict can erupt in large-scale conflagrations (inter-gang or inter-racial) or it can manifest itself in individual acts of violence by members of one group against members of another over an extended time period. In addition, extortion of goods, services, and sex is

endemic in some penal institutions. Moreover, inmate hostility is manifested against institutional property and in the disruption of institutional operations, and in the sabotage of systems like food and plumbing. Violence against staff, and hostage taking are a constant threat.

Dangerous and disruptive prisoners pose enormous management difficulties for U.S. prison systems and their managers. Prison officials have a responsibility to protect staff and inmates in so far as is possible. In fact, to ignore warnings from inmates about realistic threats could, if those threats materialize, lead to legal liability for the prison officials.[15]

The prison system must first decide whether it wishes to "concentrate" or "disperse" the most dangerous and disruptive prisoners. The advantage of concentrating the most dangerous prisoners in a single facility or in a special wing of a maximum security institution is that the special institution or wing can specialize in controlling violent men. Special technology, resources, and trained staff can be concentrated on the special institution and unit. Moreover, in theory, transferring all the dangerous inmates to the specialized unit will leave the other prisons relatively free of violence.

The disadvantage of the concentration strategy is that the specialized units for violent offenders often become uncontrollable themselves. Thus, instead of solving a system-wide problem, they often become the greatest problem in a prison system. In some of these units, there is a state of affairs akin to open warfare between staff and inmates. The dangerous offenders seem to spur each other into more and more extreme acts of rebellion and opposition. An inmate oppositional culture arises which focuses its rage against the authorities. In some of these units inmates regularly throw human waste at the prison officers. By stopping up the sinks and toilets, the inmates flood their cells and the tiers. Whenever possible they set small fires. Under such circumstances, the officers may well become violent themselves. It can become a Herculean struggle to provide even basic food and medical services. Tactical units outfitted in helmets, shields, and raincoats are used to maintain whatever modicum of order can be achieved. Sometimes the assistance of outside police forces and National Guard units is needed to break up resistance, and to remove inmates from their cells. Only full or partial evacuation of the units and systematic transfers can break up this type of situation.

The dangers of concentration are so great that one might be inclined to choose the dispersal of violent inmates as the best strategy for prison officials seeking a way to cope with dangerous offenders. Dispersal has its drawbacks as well. The dispersed dangerous offenders may recruit other inmates into cliques, gangs, and general opposition to staff. They may pose a constant threat of violence to staff and inmates and exercise something of a reign of terror over their fellow inmates. Sometimes the officers and their unions exert a strong pressure to remove such inmates from the general population and to concentrate them in special high-security prisons or high-security administrative segregation units within maximum security prisons.

Marion and the "Maxi-Maxi" Prisons

When Alcatraz was phased out, the Federal Bureau of Prisons decided to construct a "super-maximum security" prison in Marion, Illinois, to handle the most violent federal offenders. On a case-by-case basis, federal prison officials have also accepted transfers of some extremely violent offenders from the state prisons. Most prisoners at Marion have been transferred there because of violent episodes (e.g., murders and rioting) at other prisons, but some offenders (e.g., Puerto Rican terrorists) have been directly assigned to Marion. The inmate population

there is approximately 350.

Inmates are transferred to the U.S. Penitentiary at Marion for the following reasons: murders, assaults, threats, escape attempts, riot, work stoppage, gang activity, and chronic misconduct (see Table 2). Reassignment of inmates from one prison to another is a matter of administrative discretion. Most prison systems provide some kind of hearing on the matter, but inmates are not constitutionally entitled to a hearing, nor can they challenge an unwanted transfer in a court action (*Meachum v. Fano*, 1976, 427 US 215).

Marion Penitentiary is based on state-of-the-art security. All inmates are single celled. All cells are monitored by television cameras and listening devices. The corridors are divided at strategic points by heavy metal gates operated electronically from a centralized command center. Perimeter security includes a 16-foot fence of concertina wire and an inner fence of razor ribbon. The fences are separated by a 12-foot sonar-sensitive space. The perimeter is further supervised by strategically located towers staffed 24 hours a day and with visibility of all access roads, buildings, and perimeter security. The cells themselves are specially constructed to prevent inmates from disassembling or breaking the fixtures.

The ultra-dangerous inmates at Marion are also classified according to dangerousness. The most secure unit is the “H-unit,” which houses the most dangerous inmates in the Federal Bureau of Prisons system; the majority of these inmates have committed staff or inmate murders. H-unit inmates exercise and eat individually. They are allowed out of their cells only one hour per day and can only shower two or three times per week.

While security is ultra tight, the prison is based on a model of total control and surveillance, not of terror and brutality. Each cell has a television. There are educational courses and programs delivered by closed-circuit television. Video programs include aerobics, stress relief, films, and even language instruction in Spanish and German. Inmates have access to grievance procedures, chaplains, and medical services.

In the 1980s, several states felt the need for prisons or high-security units with super-security. Consequently, “maxi-maxi” prisons have been constructed in a number of states. For budgetary reasons, most of these institutions were created by renovating existing prisons, and therefore do not have the architectural advantages of a purpose-built institution like Marion. Because of lesser funding and lesser competence, they do not all run as smoothly as Marion and often have conditions which are much harsher. According to Human Rights Watch, numerous human rights abuses and violations of United Nations standards for treatment of prisoners exist in these maxi-maxis:

> A particularly glaring example is the windowless Q-wing of the Florida State Prison at Stark, from which inmates never go outside and where some prisoners have been held as long as seven years... The New York State Southport Correctional facility confines inmates to their cells 23 hours per day, never leaving the cells without being shackled. Budget cuts resulted in the elimination of all educational programs and reduction in staffing... The maximum control complex at Westville, Indiana, where inmates are locked down for 22.5-24 hours per day and never see anyone but correctional officers and are often punished with

> loss of access to reading materials. Other violations included use of handcuffs as a disciplinary measure, assignment of unpleasant work and beatings of inmates who complained. (*Corrections Compendium*, January 1992: 21)

Administrative Detention and Punitive Segregation

Dangerous prison inmates are also dealt with by transfer to specially designated "administrative segregation" units within maximum security prisons. These units look and run something like the maxi-maxi prisons. Inmates are usually single celled and locked in their cells 23 hours a day. They take their exercise alone in a small recreational area fully enclosed by wire mesh. Their meals are served to them in their cells. All required services (library books, chaplain, social workers) must meet with the inmate at his cell. When these inmates are moved to showers or to meet with their attorneys, they are usually handcuffed, strip searched, and monitored by a corps of officers.

Inmates do not have a constitutional right to an administrative hearing before being transferred to an administrative segregation unit, but many states do provide some kind of administrative due process.[16] The basis for transfer is that the inmate's presence in the general population would pose a threat to the safety and security of the prison. Under the Federal Bureau of Prison's administrative guidelines, there must be a review of the prisoner's administrative segregation status every seven days for the first two months and every 30 days thereafter. The review committee consists of a member of the prison executive staff, a security supervisor, and a member of the counseling staff. The prison warden (superintendent) makes the final determination.

Punitive segregation is the name given to the short-term disciplinary unit to which inmates can be "sentenced," usually for up to 30 days, by a committee of prison officials. Not all sentences to punitive segregation are for violent offenses; threatening an officer or refusing to work can be punished by a term in punitive segregation. Nevertheless, the punitive segregation unit often looks and runs like a high-security administrative unit. The inmates are confined to their cells all but for an hour or two per day; most privileges and amenities are withheld from them. Places in punitive segregation are a finite resource and there tends to be a tremendous demand by prison officials to fill up those spaces with rule-violating inmates. Thus, unless supervisory officials exercise a great deal of discipline in awarding punitive segregation sentences, there is an inexorable tendency for these units to become overcrowded, and for there to be inmates awaiting entry.

In some prisons, at any point in time 20 percent or more of the inmates are serving time in administrative or punitive segregation. This "solution" to dangerousness and violence has a stultifying effect on prison programs, operation, and inmate and staff morale. The segregated prisoners are much harder to service and their attitude toward staff can become extremely hostile. The inmates violate rules more often and the guards seek to punish them for more infractions that require time in administrative and punitive segregation. The population of these units can thus tend to become permanent, precipitating a very dangerous situation.

Dangerousness and the Parole Decision

The Parole Board's decision on whether to release a prisoner before his sentence has been completed almost always turns on a prediction of the prisoner's post-release threat to the

community. The Board will base its decision on the same factors that have been used to determine the prisoner's fate throughout his career in the criminal justice system--nature of the crime, previous criminal record, clinical assessment, and behavior in the prison system. The prisoner has no constitutional right to a due process hearing on the question of his release, but some states provide hearings of some sort.[17]

The Long-Term Offender

While the U.S. prison system is constructed and organized around identifying and controlling dangerousness, it pays very little, if any, attention to long-term prisoners, this despite the fact that every state prison system has a substantial number of inmates who are serving a prison term in excess of 20 years (see Table 3). In five of the six largest state prison systems, inmates sentenced to 20 years or more constitute more than 10 percent of the total prison population. In Florida, 21.7 percent of the entire population has been sentenced to 20 years or more. In Texas, an incredible 52.9 percent of all prisoners enter the prison system with a sentence of 20 years or more. The number of prisoners under a "life sentence" grew from 41,000 in 1988 to 59,997 in 1990; the trend toward further increase continues,[18] and there is also a rapidly increasing population of defendants sentenced to life without possibility of parole (see Table 4). Furthermore, in the entire United States, there are 2,500 American prisoners under sentence of death, the vast majority of whom will never be executed, but who will live for a long time, even a decade or more, on "death row."

In general, the classification decision made at the beginning of a defendant's "inmate career" does not take into account the length of his sentence, except that inmates with longer sentences are usually not assigned to minimum security prisons from which escape is quite easy or allowed opportunities for weekend furloughs and work release (see Table 5). There is no direct causal relationship between long-term inmates and dangerousness. On the contrary, over time most long-term inmates appear to make a satisfactory adjustment to the prison routine (Flanagan, 1991).

There are no specially designated institutions for long-term prisoners, nor are there any special routines or programs aimed at this population. In other words, within the prison system, not much turns on the length of an inmate's sentence. Long-term inmates, like short-term inmates, are treated according to their potential for disruptiveness or escape, not according to the length or expected length of their tenure in this system. This probably makes a good deal of sense. It must be remembered that long-term prisoners are not a homogeneous group; they are more different than alike. They are not all old men. Rather, they are of all ages, depending upon their age at the time of admission to the prison and the number of years they have served. Thus, they probably have more in common with short-term offenders in their own age cohorts than with older or younger inmates who share with them only the fact of a long prison sentence.[19]

It may well seem harsh and inhumane that no special attention is paid to the special psychological needs of long-term inmates. It is no doubt psychologically very difficult for a young offender to have to cope with the thought of a 20-year or lifetime sentence. One wonders how these inmates are able to maintain their morale and mental health when they have no prospect for release for many years, if ever. Surprisingly, however, research has shown that long-term offenders actually are able to make a world for themselves in prison.[20]

Historically, most long-term inmates were placed into the population and forgotten. An inmate

under this sort of regimen was expected to "do his own time" aloof from staff and other inmates. Depending on the success of this adjustment, the quality of custodial confinement for long-term inmates would improve over time. Eventually, many and probably most of these long-timers became socialized into the prison's routine and institutional order. Many were regarded as model prisoners, especially during the last 10 to 15 years of their confinement, and were assigned responsible administrative tasks (e.g., clerks in the chaplain's office, general office, hospital, dog-tenders, cooks, maintenance, and plumbing assistants, etc.).

Theoretically, it might be possible for a forward-looking prison system to plan an inmate's program in terms of a "career" in the prison system (see Steele and Jacobs, 1975). Thus, the inmate might be assigned to field or factory work for 10 years of his sentence and to vocational training only a year or two before release. This would be efficient, since it would make no sense for the inmate to take up a place in an expensive and sought-after vocational program in the first few years of his sentence when, after completing the program, there would be no way for him to utilize the training.

Conclusions

With many urban areas engulfed by violent crime and fear of violence, the American criminal justice system is centrally concerned with identifying and apprehending violent offenders. Explicitly or implicitly, at every stage of the criminal justice process, attempts are made to provide more severe sanctions for defendants who may be violent in the future. Consequently, American prisons are filled with violent offenders, and the effort to manage them inside prison recapitulates much of the diagnostic, classificatory, and predictive effort that occurs in the criminal justice system prior to imprisonment.

In a real sense, the American prison system is built and operated upon the assumption that it is engaged in warehousing violent men. Architecture, technology, staffing, training, and security and operating procedures are all geared to preventing violence, and if that fails, to identifying, punishing, and incapacitating dangerous inmates. The trend is toward more and higher security with much more sophisticated technology and operating procedures.

Inmates define themselves and are defined by prison officials in terms of age, race, dangerousness, gang-affiliation, and interests, but not in terms of the length of their sentences. There probably is not a compelling reason to formulate a definition of long-term inmates and to begin putting more effort and resources into addressing them as a single category. However, if current trends continue, especially life without possibility of parole, there will be many more old prisoners stacking up in the American prisons and their particular emotional, psychological, social, and medical needs will have to be addressed.

Table 1a

Guns and Deadly Violence in Ten Countries [1]

Country	Percentage of households with firearms	Homicides with guns, per million people	Homicides without guns, per million
U.S.	48.9	44.6	31.3
Switzerland	32.6	4.0	7.7
Canada	30.8	8.4	17.6
Finland	25.5	5.5	23.1
France	24.7	21.4	22.2
Australia	20.1	6.6	12.9
Belgium	16.8	8.7	9.8
West Germany	9.2	--	14.8
England & Wales	4.7	0.8	5.9
Netherlands	2.0	2.7	9.1

Table 1b

Guns and Suicide in Seven Countries[1]

Country	Percentage of households with firearms	Suicides with guns, per million people	Suicides without guns, per million people
U.S.	48.9	73.0	51.0
Switzerland	32.6	57.4	187.1
Canada	30.8	44.4	95.0
Australia	20.1	34.2	81.6
Belgium	16.8	24.5	207.0
West Germany[2]	9.3	13.6	189.3
England and Wales	4.7	3.6	82.3

Notes to Tables 1a and 1b:

[1] Data on percentage of households with firearms is for 1989. Data on homicides and suicides are averages for the period 1983-86.

[2] Total figure; breakdown not available.

Source: *New York Times*, April 3, 1992. Originally from M. Killas, *Security Journal* (1990), and National Center for Health Statistics.

Table 2a

Why Were Inmates Transferred to Marion?

Reasons for transfer to Marion	Federal inmates		State inmates		District inmates		Cuban inmates		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Murder	12[a]	16.9	8[a](3)	18.6	7(1)	20.6	3	9.7	30(4)	16.8
Assaults	18[e]	25.3	8[d]	18.6	10[b](3)	29.4	14[b]	45.2	50(3)	27.9
Threats	5	7.1	2[b](1)	4.6	2[a]	5.9	6[c]	19.3	15(1)	8.4
Escape Attempts	13	18.3	4(2)	9.3	5[f](4)	14.7	--	--	22(6)	12.3
Riot, Work Stoppage, Gang Activity	2(1)	2.8	3(2)	7.0	4(3)	11.8	2	6.4	11(6)	6.1
Chronic Misconduct	17	24.0	15(6)	34.9	4	11.8	6	19.4	42(6)	23.5
Other Reasons	4(2)	5.6	3(1)	7.0	2(2)	5.9	--	--	9(5)	5.0
Totals	71(3)	100.0	43(15)	100.0	34(13)	100.0	31	100.0	179(31)	100

Notes: Figures in parentheses indicate number of direct transfers to Marion.

[a] Includes 1 offense against staff member.
[b] Includes 2 offenses against staff members.
[c] Includes 3 offenses against staff members.
[d] Includes 4 offenses against staff members.
[e] Includes 10 offenses against staff members.
[f] Includes 1 incident where staff member was taken hostage.

Table 2b

Non-Federal Indirect Transfers to Marion: Comparing Reasons for Acceptance Into Federal Custody with Reasons for Later Referral to Marion, By Type of Inmate

Reasons for Referral to Marion

Comparison For two kinds of transfer	Murder	Assault	Threats	Escape incl. hostage taking	Riot, work stoppage, gang act.	Chronic mis-conduct incl. drugs	Policy	Other Reasons	Totals
TOTAL INMATES									
Why to FBP?									
No.	12	18	1	8	7	12	13	9	80
%	15.0	22.5	1.2	10.0	8.8	15.0	16.2	11.3	100.0
Why to Marion?									
No.	14	29	9	3	4	19	--	2	80
%	17.5	36.2	11.3	3.7	5.0	23.8	--	2.5	100.0
% change	16.7	61.1	800.0	-62.5	-42.9	58.3	100.0	-77.8	--
STATE INMATES									
Why to FBP?									
No.	4	4	1	5	6	4	2	2	28
%	14.3	14.3	3.6	17.9	21.4	14.3	7.1	7.1	--
Why to Marion?									
No.	5	8	1	2	1	9	--	7.1	--
%	17.9	28.6	3.6	7.1	3.6	32.1	--	7.1	--
% change	25.0	100.0	0.0	-60.0	-83.0	125.0	100.0	0.0	--

Comparison for two kinds of transfer	Murder	Assault	Threats	Escape incl. hostage taking	Riot, work stoppage, gang act.	Chronic mis-conduct incl. drugs	Policy	Other Reasons	Totals
DISTRICT OF COLUMBIA INMATES									
Why FBP?									
No.	4	4	--	3	--	6	--	4	21
%	19.0	19.0	--	14.3	--	28	--	19	99.9
Why to Marion?									
No.	6	7	2	1	1	4	--	--	21
%	28.6	33.3	9.5	4.8	4.8	19.0	--	--	100.0
%change	50.0	75.0	*	-66.7	*	-33.3	--	-100	--
CUBAN INMATES									
Why to FBP?									
No.	4	10	--	--	1	2	11	3	31
%	12.9	32.3	--	--	3.2	6.4	35.5	9.7	100.0
Why to Marion?									
No.	3	14	6	--	2	6	--	--	31
%	9.7	45.2	19.3	--	6.4	19.3	--	--	99.9
% change	-25.0	40.0	*	--	100.0	200.0	-100	-100.0	--

*Asterisk indicates infinity.

Source for Tables 2a and 2b: Elmer H. Johnson: Referrals to Maxi-Maxi prison: Differentiation of four classes of inmates, Center for Study of Crime, Delinquency, and Corrections, Carbondale, IL 1989. Johnson explains the origins of the tables as follows: "The U.S. Penitentiary at Marion, IL is a prime example of the 'concentration model' for managing especially obdurate prisoners. This research takes advantage of four kinds of inmates present in January 1987: Federal inmates, those from state and District of Columbia systems, and those 'Mariel boat lift' Cubans who had been convicted of crimes against the U.S. or state laws. The paper considers the standards for transferring inmates to this maximum-maximum prison, the behavioral eligibility of those inmates, and their misconduct before and after transfer."

Table 3

Long-Term in the Six Largest U. S. Prison Systems

Jurisdiction	Number of inmates	Percentage serving terms of 20 years or more	Remarks
California	102,412	16.6	as of March 22, 1992
Florida	46,233	21.7	as of June, 1991; serving 24 years or more
Michigan	33,688	15.5	as of January 1, 1991
New York	58,938	6.8	as of March 1, 1992
Texas	50,712	52.9	as of February, 1992
Federal Bureau of Prisons	66,328	14.9	as of February, 1992

Table 4

Lifers and Selected Prison System Characteristics, 1990

System	Total prison population	Number serving life sentences	Offenses			Is there a specific sentence of life without parole? (If yes, number sentenced in brackets)	No. under death sentence
		Male	Female	1st deg. murder	2nd deg. Murder	other		male and *female*
Alabama	14,599	2,117[a]	47[a]	891[b]	8[b]	1,672[b]	Yes (604)	111/5
Alaska	2,556	119	5	96	14	14	No	NDP
Arizona	13,765[c]	567	18	400[d]	-[d]	185	No	88
Arkansas	6,455[e]	410	36	229	1	216	Yes (160)	33
California	92,805	8,117	381	4,237	3,395	866	Yes (807)	280/1
Colorado	6,656	405	8	291	2	120	No	3
Connecticut	9,422	125	2	105	7	15	Yes (4)	2
Delaware	3,500	372	11[f]	175	95	113	Yes (112)	7
District of Columbia	8,549	474	0	226	100	148	No	NDP
Florida	42,733	4,132	136	336 1,426[g] 313[h]	11	1,624	No (864[j])	317/3
Georgia	21,288	2,771	118	1,992	--	897	No	110/1
Hawaii	2,333	222	0	190	7[k]	24	Yes (23)	NDP
Idaho	2,035	--	--	--	--	--	--	18
Illinois	26,750	447	13	370	0	90	Yes (446)	124
Indiana	12,812	500*	no data	no data	no data	no data	No	48
Iowa	3,847	315	16	273	46	12	All life sentences (331)	0
Kansas	5,625	459	19	351	2	125	No	NDP

Kentucky	8,289	468	11	267	--	212	Yes (9)	28
Louisiana	17,587	2,009	64	572	840	661	Yes (2,073)	34
Maine	1,613	38	0	37	0	1	Yes (22)	NDP
Maryland	17,134	1,265	22	1,030	0	257	Yes (46)	18
Massachusetts	7,542	802	16	353	415	50	Yes (353)	NDP
Michigan	31,352	2,473	90	1,379	555	629	Yes (1,459)	NDP
Minnesota	3,114	160	8	167	1	--	Yes (0)	NDP
Mississippi	7,664	927	15	n/a	n/a	n/a	Yes (118[n])	44
Missouri	15,013	967	45	587	259	166	Yes (262)	69 /2
Montana	1,389	27	0	22	3	2	Yes (5)	7
Nebraska	2,429[p]	156	5	99	53	9	No (105[q])	11
Nevada	5,748	764	27	299	73	419	Yes (196)	52/1
New Hampshire	1,247	23	1	24	--	--	Yes (24)	0
New Jersey	22,237	1,079	33	All	n/a	n/a	No	10
New Mexico	3,135	136	4	All	--	--	No	1
New York	54,677	7,882	510	r	4,155	4,237	No	NDP
North Carolina	18,075	1,944	59	576	516	911	No	82 /2
North Dakota	548	10	0	10	--	--	No	NDP
Ohio	30,231	2,479	136	1,294	1,273	48	No	85/4
Oklahoma	12,089	736	44	567	98	115	Yes (22)	109
Oregon	6,142	434	16	54	383	13	Yes (1)	16
Pennsylvania	20,490	1,876	88	1,450*	514*	n/a	Yes (1,964)	111/1
Rhode Island	2,308	76	1	55	5	17	Yes (10)	NDP
South Carolina	17,287[s]	1,144	60	921[t]	n/a	348	Yes (31)	45
South Dakota	1,333	87	3	54	11	25	Yes (90)	0
Tennessee	13,662	1,157	35	626	87	479	No	78/1
Texas	47,726	3,439	65	1,451[u]	--[u]	2,053	No	323/4
Utah	2,491	163	6	102	67	--	Yes (0[v])	9

Vermont	659	10	0	6	4	0	Yes (0)	0
Virginia	17,251[w]	1,068	21	360	9	720	----	45
Washington	7,425	314	21	326	5	4	Yes (101)	8
West Virginia	1,529	270	11	225	23	33	Yes (121)	NDP
Wisconsin	6,396	389	19	404	0	4	No	NDP
Wyoming	962	91	0	46	16	29	x	2
Federal Bureau of Prisons	63,739	1,274	36	495[y]	30[z]	385	Yes[aa]	0
Canada[bb] Correctional Service of Canada	13,544	1,915	56	441	1,417	113	No	NDP

Notes: Table 4 (states to which these notes apply given in brackets):

NDP No Death Penalty
*Estimated (Indiana, Pennsylvania)
[a]On October 1, 1989 (Alabama)
[b]On September 29, 1989 (Alabama)
[c]On May 31, 1990 (Arizona)
[d]Homicides (both first and second degree murder) counted in first degree murder Column (Arizona).
[e]On June 29, 1990 (Arkansas)
[f]Including 2 females serving life sentences without parole (Delaware).
[g]Capital felonies (Florida).
[h]Life felonies (Florida).
[j]Sentenced to life in prison (Florida).
[k]Instituted in 1988 (Hawaii).
[m]On April 5, 1990 (Kentucky).
[n]If sentenced to habitual offender status (Mississippi).
[p]On May 29, 1990 (Nebraska).
[q]Inmates may be sentenced to minimum life-maximum life, and receive a commutation (Nebraska).
[r]Relevant New York state statute held unconstitutional (New York).
[s]On June 14, 1990 (South Carolina).
[t]Some are serving more than one life sentence (south Carolina).
[u]Homicides; number listed in first degree murder column (Texas).
[v]Legislation just passed (Utah).
[w]Financial year 1990 (Virginia).
[x]This condition may result from a special court order, or may be ordered by the Governor on commuting a death sentence (Wyoming).
[y]Murder (Federal Bureau of Prisons).
[z]Manslaughter (Federal Bureau of Prisons).
[aa]Parole was eliminated in 1984. A few inmates still remain who are serving life without parole under the old system (Federal Bureau of Prisons).
[bb]Information on Canada is provided for comparative purposes.

Source: Corrections Compendium, October 1990.

Table 5

Agencies Reporting Existing Laws that Affect the Management of Long-term Inmates

Arizona	Not eligible for parole, work furlough, earning release credits; mandatory release or parole eligibility for life sentences is 25 years.
Arkansas	Ineligibility of inmates serving life or death sentence, murder, rape and 2nd aggravated robbery charge.
Colorado	Possible extended sentences/no parole for heinous crimes.
Delaware	Class A felons (most with long sentences) prohibited from participating in work release.
Georgia	More limits on certain inmates' special leaves, furlough privileges
Idaho	Furloughs for minimum/community custody inmates only.
Illinois	Class X felons or habitual criminals not eligible for highway cleanup program.
Indiana	Temporary leave restrictions; earning credit time begins at highest level, 1 day for 1 day.
Iowa	Class A felons not eligible for furloughs.
Kansas	Furlough restrictions - minimum custody, good record, 2 years confinement; work release eligibility restricted to 10 months before parole eligibility.
Kentucky	Inmates can't work for other than public works projects; work release and vocational training release statutes.
Louisiana	Limits eligibility for work release and furlough
Massachusetts	Restriction on eligibility for assignment to prison or forestry camps. Also favorable differences for long-term inmates regarding calculation of statutorily mandated sentence deductions for good behavior and mixed effect regarding camptime sentence deductions.
Mississippi	Habitual criminal and armed robbery statutes.
Nevada	Must be within 1 year of release for forestry program; violent offender not eligible for restitution program; sex offenders not eligible for forestry or restitution.
Oklahoma	Senate Bill 505 affects parole eligibility of 2nd and subsequent offenders
S. Carolina	Certain crimes ineligible for supervised furlough
Tennessee	No minimum security or furlough until within 6 months of sentence
Washington	Sentence Reform Act limits work release to last 6 months of sentence.
Wisconsin	Qualifications for leaves and work release.

Source: U.S. Department of Justice, National Institute of Correction, Managing Long-Term Inmates, A Guide for the Correctional Administrator (1985).

References

Bodine, B. (1990). Washington's new violent sexual predator commitment system: An unconstitutional law and an unwise policy choice. 14 *University of Puget Sound Law Review*, 105.

Cohen, S. & Taylor, L. (1972). *Psychological survival: The experience of long-term imprisonment*. New York: Pantheon.

Corrections Compendium (1992). Human rights watch: Marionization of prisons leads to abuse. *Corrections Compendium*, January, p. 21.

Flanagan, T.J. (1980). The pains of long-term imprisonment: A comparison of British and American perspectives. *British Journal of Criminology*, 20(2), 148-56.

Flanagan, T.J. (1991). Long term prisoners: Their adaptation and adjustment. *Federal Prisons Journal*, Spring (2-2), 44-51.

Greenwood, P. & Abrahams, A. (1982). *Selective incapacitation: Report to the National Institute of Justice*. Washington, DC: Government Printing Office.

Gurr, T.R. (1989). *Violence in America*, 2 vols. Newbury Park, CA: Sage.

Jacobs, J.B. (1982). Sentencing by prison personnel: Good time. *UCLA Law Review*, 30, 216-70.

Jacobs, J.B. (1974). *Stateville: The penitentiary in mass society*. Chicago: University of Chicago Press.

LaFave, W.R. & Scott, A.W. Jr. (1986). *Criminal law*. (2nd ed.). St. Paul, MN: West Publishing Company.

Moore, M. H. Et al. (1984). *Dangerous offenders: The elusive target of justice*. Cambridge, Mass.: Harvard University Press.

Morris, N. & Miller, M. (1985). Predictions of dangerousness. In M. Tonry and N. Morris, (eds.), *Crime and justice: An annual review of research*, Vol. 6. Chicago: University of Chicago Press.

Slobogin, C. (1984). Dangerousness and expertise. *University of Pennsylvania Law Review*, 133, 97.

State of New York. Department of Correctional Services (1988). *Security classification guidelines manual*, September. New York: Department of Correctional Services.

Steele, E.H. & Jacobs, J.B. (1975.) Toward a theory of prison systems. *Crime and Delinquency*, 21(2), 188-203.

Tennant (1986). Police management of dangerous mentally disturbed individuals through

proactive intervention. Wright University.

Toch, H. (1990). The good old days in the joint. *Prison Journal*, 80.
von Hirsch, A., Tonry, M. & Knapp, K. (1987). *The Sentencing Commission and its Guidelines*. Boston: Northeastern University Press.

Wormith, J.S. (1984). The controversy over the effects of long term imprisonment. *Canadian Journal of Criminology*, 26, 423-37.

Endnotes

[1] See also Gurr (1989).

[2] See Moore et al. (1984), and Greenwood and Abrahams (1982).

[3] Technically speaking there is no "American penal system." Each state operates its own prison system for convicted felons. The rest of the criminal justice system is even more decentralized. Police are organized at the town or city level. Prosecutorial agencies and jails for pre-trial confinement are organized at the county level. The federal government has its own criminal justice and prison system to deal with federal crimes. While the federal system, spread across the entire United States, is quite large in terms of the total volume of arrests, prosecutions, and incarcerations, it is not as large as, for example, California's criminal justice system; federal criminal defendants and federal prisoners constitute only a small percentage of the total population of defendants and prisoners.

[4] See The standard treatise on American criminal law, LaFave and Scott (1986).

[5] The Model Penal Code, a guide for the substantive criminal law in the majority of American states, defines the crime of "recklessly endangering another person" as follows: "A person commits a misdemeanor if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed when a person knowingly points a firearm at or in the direction of another, whether or not the actor believed the firearm to be loaded.

[6] For example, the New York Penal law (S.70.08) specifies that: " l) A persistent violent felony offender is a person who stands convicted of a violent felony offense as defined [by previous subsection] after having been preciously subjected to two or more predicate violent felony convictions ... 2) When the court has found that a person is a persistent violent felony offender the court must impose an indeterminate sentence, the maximum term of which shall be lice imprisonment. The minimum terms must be [10-25 years for a class B felony; 8-25 years for a class C felony; 6-25 years for a class D felony]."

[7] In *Addington v. Texas*, 41 US 418 (1979), the United States Supreme Court held that in a civil commitment hearing the due process clause of the Fourteenth Amendment requires a standard of proof on the issues of the patient's mental illness and of his danger to himself or to others equal or greater than "clear and convincing" evidence.

[8] *State v. Young* (S.Ct. Washington). See Bodine (1990). The U.S. Supreme Court recently decided that an insanity acquitee, no longer mentally ill, cannot be held indefinitely, via civil commitment, solely on the grounds that he is a danger to himself or to others (*Foucha v. Louisiana*, 1991, cert. Granted 50 CrL 3005).

[9] Tennant (1986) described various conceptualizations of dangerousness drawn from the forensic research literature. Some authors held that dangerousness was best understood as a personality characteristic of an individual; others that is was defined by a record of particular behaviors, or a reflection of certain social interactions such as intrafamilial violence. Tennant also found that to some researchers, dangerousness implied that a violent act had actually been

committed, while for others, it included the potential to commit, or willingness to contemplate, such acts as will. For some, dangerousness occurred only when there was injury or death, while for others, it included acts, which merely trouble or inconvenience. Finally, some researchers considered only acts directed towards people and animals, while others included damage to property as well. In his own work, Tennant conceived of dangerousness as those conditions under which internal neurological and psychological inhibiting structures fail. He wrote that:

> This concept of a defect in inhibition as a 'final common pathway' is useful in relating the failure of the earlier clinical attempts to accurately predict future violence, and the marked success of the actuarial type methods of the later studies. This approach suggests that a wide variety of physiological, psychological, and perhaps social conditions may create the propensity for a breakdown in behavioral control. Whether or not the disinhibition leads to behavior ultimately conceptualized as criminality or mental illness is most likely governed by a number of factors. Whenever internal control is lacking for whatever reasons and has not been corrected by simply the passage of time, as is so often the case, external controls are then required. Whether the external control takes the form of custody in a maximum security jail, involving self-help program such as Alcoholics Anonymous, heavy doses of psychotropic medicine, hormone modifiers such as DepoProvera, or closely supervised probation programs perhaps with involuntary drug monitoring, effective "treatment" or "aftercare" consists of imposing external control for the internal control that seems to be lacking.

[10] Defining the dangerous offender as a person who has in the past committed a dangerous offense (assuming agreement on those offenses) will be both over-inclusive and under-inclusive. Some murderers, rapists, and robbers probably are not dangerous, in the sense of presenting a significant risk of future violence. Many persons who commit non-violent offenses do have the capacity for and present a risk of future violent offending.

[11] For a searching jurisprudential analysis of predictions of dangerousness in the criminal justice and mental health contexts, see Morris and Miller (1985).

[12] See Moore (1984), who recommends the following steps in putting together a coordinated tracking system for the dangerous offender: (1) At the police investigation stage, improve police intelligence concerning dangerous offenders; (2) At the prosecution stage, enhance the police/prosecution collaboration in the identification, arrest and prosecution of dangerous offenders; (3) At the judicial sentencing stage, improve completeness and accuracy of information concerning prior record and design explicit guidelines governing the use of concurrent and consecutive sentencing; (4) With respect to criminal justice record-keeping, develop offender-based records throughout the criminal justice system; (5) Ensure that there is a viable feedback loop with state and federal corrections agencies.

[13]For general discussion of methods of prediction, see Slobogin (1984), and Morris and Miller (1985).

[14] Another social control mechanism is the granting and forfeiture of "good time' (remission of sentence). In some states, through their authority over reduction of sentence for good behavior, prison officials can reduce an inmate's sentence by half or more. See Jacobs (1982).

[15] See, for example, *Dizak v. State of New York*, 124 AD 2d. 329, 508 NYS 2d 290 (3d dept. 1986) which held that the state has a duty to provide inmates with reasonable protection against foreseeable attacks by other prisoners. See also *Woodhaus v. Commonwealth of Virginia*, 487 F 2d 889 (4th Cir. 1973) which held that confinement in prison where violence and terror reign is actionable as cruel and unusual punishment.

[16] See *Hewitt v. Helms*, 459 US 460 (1983).

[17] See *Greenholts v. Inmates of Nebraska Penal and Correctional Complex*, 442 US 1 (1979).

[18] Correction Compendium, October 1990.

[19] According to the penologist Hans Toch (1990), "A prison that is a good place to do time for senior citizens would bore younger inmates. A prison that is lively enough for the young is much worse; it shows that one group is capable of destroying the milieu of another group by creating an environment to itself."

[20] Ethnographic research on long-term inmates suggests that most attempt to come to terms with their circumstances; see Cohen and Taylor (1972). Previous studies in the United Kingdom and council of European countries, and recent studies in the United States and Germany, indicate that long-term incarceration has not had the deleterious effect that was previously assumed (Flanagan, 1980; Wormith, 1984).

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