



# DANGEROUS INMATES: MAXIMUM SECURITY INCARCERATION IN THE STATE PRISON SYSTEMS OF THE UNITED STATES

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**ABSTRACT.** *In a real sense, the American prison system is built and operated on the assumption that it is engaged in warehousing violent men. The management of dangerousness has come to represent an important custodial problem for the American penal system. This article examines the modality of dangerousness in the evolving custodial operational control of modern prisons. 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 incidents of institutional violence. 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. © 1998 Elsevier Science Ltd*

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THE UNITED STATES HAS a long history of violent crime (Gurr, 1989). Statistics argue that an extraordinarily high level of violence is unique for a society with a high degree of political stability (see Table 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 (Greenwood & Abrahams, 1982; Moore, Estrich, McGillis, & Spelman, 1984). 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, exceeding 1.6 million inmates.

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

**TABLE 1. Guns and Deadly Violence in 10 Countries**

Country	Percentage of Households With Firearms	Homicides With Guns, per Million People	Homicides Without Guns, per Million People
United States	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 <sup>a</sup>	9.2	—	14.8
England & Wales	4.7	0.8	5.9
The Netherlands	2.0	2.7	9.1

Note. From “*Gun Ownership and Violent Crime: The Swiss Experience in International Perspective*,” by M. Killias, 1990, *Security Journal*, 1(3), 169–174. Copyright 1990 by Elsevier Science. Adapted with permission.  
<sup>a</sup>Total figure; breakdown not available.

jails for pretrial confinement are organized at the county level. The federal government has its own criminal justice and prison system to deal with federal crimes. Although 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 compose only a small percentage of the total population of defendants and prisoners.

### 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 (LaFave & Scott, 1986). 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. 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.” 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. For example, the New York Penal law (S.70.08) specifies that: “1) A persistent violent felony offender is a person who stands convicted of a violent felony offense as defined [by previous subsection] after having been previously 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 life 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].”

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 oneself or others can be involuntarily committed to a mental hospital (*Addington v. Texas*, 1979). The person must be released when he or she 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. 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). The state of Washington has a law by which a prisoner's confinement can be extended indefinitely via a civil commitment procedure if he or she is found to be a "sexually violent predator." A constitutional challenge to this law has been filed in the Federal courts (Bodine, 1990).

### 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. Tennant (1986) described various conceptualizations of dangerousness drawn from the forensic research literature. Some authors hold that dangerousness is best understood as a personality characteristic of an individual; others say that it is 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, whereas for others, it included the potential to commit, or willingness to contemplate, such acts of will. For some, dangerousness occurred only when there was injury or death, but for still others, it included acts that merely trouble or inconvenience. Finally, some researchers considered only acts directed toward people and animals, whereas others included damage to property as well. In his own work, Tennant (1986) 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 Programs 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. (p. 147)

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. Defining the dangerous offender as a person who has in the past committed a dangerous offense (assuming agreement on those offenses) will be both overinclusive and underinclusive. Some murderers, rapists, and robbers probably are not dangerous, in the

sense of presenting a significant risk of future violence. Many persons who commit nonviolent offenses do have the capacity for and present a risk of future violent offending.

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 (Morris & Miller, 1985). 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 are 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, that person will be prosecuted to the full extent of the law, the goal being to incapacitate him or her in jail or prison for the maximum period allowable for the current offense. This process is becoming highly sophisticated with the use of computer technology and interagency cooperation and collaboration. Moore et al. (1984, p. 191) recommended 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 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.

Although the American Constitution guarantees that "no excessive bail will be imposed," an accused person has no constitutional right to bail that he or she can afford to pay. The Federal Bail Reform Act stipulates further that high bail cannot 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 ensure 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 in 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, and the sentencing judge is not bound by any statutory definition of dangerousness. The judge often relies on the clinical judgment of a probation officer who provides a presentence 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 (Morris & Miller, 1985; Slobogin, 1984).

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 on previous criminal record and the seriousness of the current offense. Within these guidelines there is little room for lengthening a sentence based on predictions of future dangerousness (Von Hirsch, Tonry, & Knapp, 1987). The concept of dangerousness also

plays a role in capital punishment sentencing. In some states (e.g., Texas) 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 into evidence, this despite a great deal of criticism about the accuracy and reliability of psychiatric predictions of dangerousness. The Supreme Court saw predictions of dangerousness based on 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, vii).

### SECURITY CLASSIFICATION AND INSTITUTIONAL ASSIGNMENT

If the offender is sentenced to prison, he or she is subjected to another inquiry about 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 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 that person is perceived 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 or her 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 or her life history, which may already have been compiled by probation officers for the sentencing hearing. In part, the classification decision will be based on 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 (1988) guidelines, an inmate is classified maximum security if he or she 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
- Psychological instability

**TABLE 2. 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 <sup>a</sup>	16.9	8 <sup>a</sup> (3)	18.6	7 (1)	20.6	3	9.7	30 (4)	16.8
Assaults	18 <sup>c</sup>	25.3	8 <sup>d</sup>	18.6	10 <sup>b</sup> (3)	29.4	14 <sup>b</sup>	45.2	50 (3)	27.9
Threats	5	7.1	2 <sup>b</sup> (1)	4.6	2 <sup>a</sup>	5.9	6 <sup>c</sup>	19.3	15 (1)	8.4
Escape attempts	13	18.3	4 (2)	9.3	5 <sup>f</sup> (4)	14.7	—	—	22 (6)	12.3
Riot, work stop- page, 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
Total	71 (3)	100.0	43 (15)	100.0	34 (13)	100.0	31	100.0	179 (31)	100.0

Notes. Figures in parentheses indicate number of direct transfers to Marion. From *Maxi-Maxi Prisons: Referral Decisions and Inmate Conduct* (Vol. 4, pp. 1–20), by E. H. Johnson, 1990, Carbondale, IL: Center for Crime and Delinquency. Reprinted with permission.

<sup>a</sup>Includes 1 offense against staff member.

<sup>b</sup>Includes 2 offenses against staff members.

<sup>c</sup>Includes 3 offenses against staff members.

<sup>d</sup>Includes 4 offenses against staff members.

<sup>e</sup>Includes 10 offenses against staff members.

<sup>f</sup>Includes 1 incident where staff member was taken hostage.

Prisoners do not necessarily maintain the same security classification throughout the entire period of their confinement. Reclassification upwards (to a higher security prison) may depend on a prediction of dangerousness that follows an episode of violence (or escape attempt) or even a series of nonviolent rule-violating behaviors. Reclassification downwards may be based on a prediction of nondangerousness following a long period of satisfactory behavior in a 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 lower security institution. Bad behavior can be punished by transfer to a higher security prison. Another social control mechanism is the granting and forfeiture of “good time” (i.e., 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 (Jacobs, 1982). Thus, transferring (and threatening to transfer) inmates from one prison to another is an important strategy for maintaining social control of the prison system. Table 2 iterates the security classification variables precipitating federal inmate transfers to the supermaximum security environment of the Federal Penitentiary at Marion, Illinois.

### THE NATURE, PRACTICE, AND PROBLEMS OF HIGH-SECURITY CONFINEMENT

Offenders perceived to be the most dangerous are assigned to maximum security and even to supermaximum 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 cell blocks 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, movement sensors, and video surveillance. 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 structures 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 stockpiled strategically throughout the prison in readiness for such incidents.

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 prophecy, producing the very kind of behavior that is unwanted (Silberman, 1995).

Some dangerous inmates cannot inhibit their impulses even when it is in 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 being tough. The propensity to escalate arguments into fights and assaults may be precipitated by the need for some degree of personal autonomy and 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).

### **THE ETIOLOGY OF INMATE VIOLENCE**

Inmate violence is multidimensional. It involves inmate-on-inmate attacks (including rape) and group conflict. Group conflict can erupt in large-scale conflicts (intergang or interracial), 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 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 American 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

**TABLE 3. Nonfederal Indirect Transfers to Marion: Comparing Reasons for Acceptance Into Federal Custody With Reasons for Later Referral to Marion, by Type of Inmate**

Comparison for Two Kinds of Transfer	Reasons for Referral to Marion										Totals											
	Murder	Assault	Threats	Escape (Including Hostage Taking)	Riot, Work Stoppage Gang Activity	Chronic Misconduct (Including Drugs)	Policy	Other Reasons														
<b>Total inmates</b>																						
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	80.0													
%	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	—													
<b>State inmates</b>																						
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	100.0													
Why to Marion?																						
No.	5	8	1	2	1	9	—	2	28													
%	17.9	28.6	3.6	7.1	3.6	32.1	—	7.1	100.0													
% change	25.0	100.0	0.0	-60.0	-83.0	125.0	-100.0	0.0	—													

District of Columbia Inmates

Why to FBP?

No.	4	4	—	3	—	6	—	4	21
%	19.0	19.0	—	14.3	—	28.6	—	19.0	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	—	-100.0	—

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	-100.0	-100.0	—

Notes: FBP = Federal Bureau of Prisons. From *Maxi-Maxi Prisons: Referral Decisions and Inmate Conduct* (Vol. 4, pp. 1-20), by E. H. Johnson, 1990, Carbondale, IL: Center for Crime and Delinquency. Reprinted with permission.

realistic threats could, if those threats materialize, lead to legal liability for the prison officials (*Dizak v. State of New York*, 1986; *Woodhaus v. Commonwealth of Virginia*, 1973).

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 persons. 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 areas. 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 that 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 or gangs with the intent to promote general opposition toward 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.

### MAXI-MAXI PRISONS

In recent years, 42 states have constructed maxi-maxi prisons or high-security units with supersecurity. 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 the ultramaximum security Federal Penitentiary at Marion, Illinois, and the new ultramaximum Federal Correctional Center at Florence, Colorado.

### 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 similarly to maxi-maxi prisons. Inmates are usually single celled and locked in their cells 23 hr 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 or her cell. When these inmates are moved to showers or to meet with their attorneys, they are usually handcuffed, strip searched, and monitored by 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 (*Hewitt v. Helms*, 1983). 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 Federal Bureau of Prison's administrative guidelines, there must be a review of the prisoner's administrative segregation status every 7 days for the first 2 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. Table 3 iterates the security classification variables precipitating transfer of nonfederal inmates to the Federal Penitentiary at Marion, Illinois.

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. Inmates are confined to their cells for all but 1 or 2 hr per day; most privileges and amenities are withheld from them. Space in punitive segregation units is a finite resource, and there tends to be a tremendous demand by prison officials to fill up such space 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 even back up with queues of inmates awaiting entry.

In some prisons, at any point in time, 20% 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 with 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.

## CONCLUSION

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.

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