

1 Daniel Pochoda (Bar No. 021979)
2 Kelly J. Flood (Bar No. 019772)
3 James Duff Lyall (Bar No. 330045)*
4 **ACLU FOUNDATION OF ARIZONA**
5 3707 North 7th Street, Suite 235
6 Phoenix, Arizona 85013
7 Telephone: (602) 650-1854
8 Email: dpochoda@acluaz.org
9 kflood@acluaz.org
10 jlyall@acluaz.org

*Admitted pursuant to Ariz. Sup. Ct. R. 38(f)

*Attorneys for Plaintiffs Victor Parsons, Shawn Jensen,
Stephen Swartz, Dustin Brislan, Sonia Rodriguez,
Christina Verduzco, Jackie Thomas, Jeremy Smith,
Robert Gamez, Maryanne Chisholm, Desiree Licci,
Joseph Hefner, Joshua Polson, and Charlotte Wells, on
behalf of themselves and all others similarly situated*

[ADDITIONAL COUNSEL LISTED BELOW]

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Victor Parsons; Shawn Jensen; Stephen Swartz;
Dustin Brislan; Sonia Rodriguez; Christina
Verduzco; Jackie Thomas; Jeremy Smith; Robert
Gamez; Maryanne Chisholm; Desiree Licci; Joseph
Hefner; Joshua Polson; and Charlotte Wells, on
behalf of themselves and all others similarly
situated; and Arizona Center for Disability Law,

Plaintiffs,

v.

Charles Ryan, Director, Arizona Department of
Corrections; and Richard Pratt, Interim Division
Director, Division of Health Services, Arizona
Department of Corrections, in their official
capacities,

Defendants.

No. CV 12-00601-PHX-NVW
(MEA)

**DECLARATION OF CRAIG
HANEY, Ph.D., J.D.**

25
26
27
28

1 I, Craig Haney, Ph.D, J.D., declare:
2

3 **I. Expert Qualifications**
4

5 1. I am a Professor of Psychology at the University of California, Santa Cruz,
6 where I also currently serve as the Director of the Legal Studies Program, and the Director
7 of the Graduate Program in Social Psychology. My area of academic specialization is in
8 what is generally termed “psychology and law,” which is the application of psychological
9 data and principles to legal issues. I teach graduate and undergraduate courses in social
10 psychology, psychology and law, and research methods. I received a bachelor's degree in
11 psychology from the University of Pennsylvania, an M.A. and Ph.D. in Psychology and a
12 J.D. degree from Stanford University, and I have been the recipient of a number of
13 scholarship, fellowship, and other academic awards.

14 2. I have published numerous scholarly articles and book chapters on topics in
15 law and psychology, including encyclopedia and handbook chapters on the backgrounds
16 and social histories of persons accused of violent crimes, the psychological effects of
17 imprisonment, and the nature and consequences of solitary or “supermax”-type
18 confinement. In addition to these scholarly articles and book chapters, I have published
19 two books: Death by Design: Capital Punishment as a Social Psychological System
20 (Oxford University Press, 2005), and Reforming Punishment: Psychological Limits to the
21 Pains of Imprisonment (American Psychological Association Books, 2006).

22 3. In the course of my academic work in psychology and law, I have lectured
23 and given invited addresses throughout the country on the role of social and institutional
24 histories in explaining criminal violence, the psychological effects of living and working
25 in institutional settings (typically maximum security prisons), and the psychological
26 consequences of solitary confinement. I have given these lectures and addresses at various
27 law schools, bar associations, university campuses, and numerous professional
28 psychology organizations such as the American Psychological Association.

1 4. I also have served as a consultant to numerous governmental, law
2 enforcement, and legal agencies and organizations, including the Palo Alto Police
3 Department, various California Legislative Select Committees, the National Science
4 Foundation, the American Association for the Advancement of Science, and the United
5 States Department of Justice. For example, in the summer of 2000, I was invited to attend
6 and participated in a White House Forum on the uses of science and technology to
7 improve crime and prison policy, and in 2001 participated in a conference jointly
8 sponsored by the United States Department of Health and Human Services (DHHS)
9 concerning government policies and programs that could better address the needs of
10 formerly incarcerated persons as they were reintegrated into their communities. I
11 continued to work with DHHS on the issue of how best to insure the successful
12 reintegration of prisoners into the communities from which they have come. More
13 recently, I have served as a consultant to the Department of Homeland Security, a
14 consultant to and an expert witness before the United States Congress, and was appointed
15 in 2012 as a member of a National Academy of Sciences committee analyzing the causes
16 and consequences of high rates of incarceration in the United States. (A copy of my
17 curriculum vitae is attached to this Declaration as Exhibit 1).

18 5. My academic interest in the psychological effects of various prison
19 conditions is long-standing and dates back to 1971, when I was still a graduate student. I
20 was one of the principal researchers in what has come to be known as the “Stanford Prison
21 Experiment,” in which my colleagues Philip Zimbardo, Curtis Banks, and I randomly
22 assigned normal, psychologically healthy college students to the roles of either “prisoner”
23 or “guard” within a simulated prison environment that we had created in the basement of
24 the Psychology Department at Stanford University. The study has since come to be
25 regarded as a “classic” study in the field, demonstrating the power of institutional settings
26
27
28

1 to change and transform the people who enter them.¹

2 6. Since then I have been studying the psychological effects of living and
3 working in real (as opposed to simulated) institutional environments, including juvenile
4 facilities, mainline adult prison and jail settings, and specialized correctional housing units
5 (such as solitary and “supermax”-type confinement). In the course of that work, I have
6 toured and inspected numerous maximum security state prisons and related facilities (in
7 Alabama, Arkansas, Arizona, California, Florida, Georgia, Idaho, Louisiana,
8 Massachusetts, Montana, New Jersey, New Mexico, Ohio, Oregon, Tennessee, Texas,
9 Utah, and Washington), many maximum security federal prisons (including the
10 Administrative Maximum or “ADX” facility in Florence, Colorado), as well as prisons in
11 Canada, Cuba, England, Hungary, and Mexico. I also have conducted numerous
12 interviews with correctional officials, guards, and prisoners to assess the impact of penal
13 confinement, and statistically analyzed aggregate data from numerous correctional
14 documents and official records to examine the effects of specific conditions of
15 confinement on the quality of prison life and the ability of prisoners to adjust to them.²

17
18 ¹ For example, see Craig Haney, Curtis Banks & Philip Zimbardo, Interpersonal
19 Dynamics in a Simulated Prison, 1 International Journal of Criminology and Penology 69
20 (1973); Craig Haney & Philip Zimbardo, The Socialization into Criminality: On
21 Becoming a Prisoner and a Guard, in Law, Justice, and the Individual in Society:
22 Psychological and Legal Issues. (J. Tapp and F. Levine, eds., 1977); and Craig Haney &
Philip Zimbardo, Persistent Dispositionalism in Interactionist Clothing: Fundamental
Attribution Error in Explaining Prison Abuse, Personality and Social Psychology Bulletin,
35, 807-814 (2009).

23 ² For example, Craig Haney & Philip Zimbardo, The Socialization into Criminality: On
24 Becoming a Prisoner and a Guard, in Law, Justice, and the Individual in Society:
25 Psychological and Legal Issues (pp. 198-223). (J. Tapp and F. Levine, eds., 1977); Craig
26 Haney, Infamous Punishment: The Psychological Effects of Isolation, 8 National Prison
27 Project Journal 3 (1993); Craig Haney, Psychology and Prison Pain: Confronting the
28 Coming Crisis in Eighth Amendment Law, Psychology, Public Policy, and Law, 3, 499-
588 (1997); Craig Haney, The Consequences of Prison Life: Notes on the New
Psychology of Prison Effects, in D. Canter & R. Zukauskienė (Eds.), Psychology and
Law: Bridging the Gap (pp. 143-165). Burlington, VT: Ashgate Publishing (2008); Craig
Haney, On Mitigation as Counter-Narrative: A Case Study of the Hidden Context of

1 7. I have been qualified and have testified as an expert in various federal
2 courts, including United States District Courts in Arkansas, California, Georgia, Texas,
3 and Washington, and in numerous state courts, including courts in Colorado, Florida,
4 Montana, New Jersey, New Mexico, Ohio, Oregon, Tennessee, Utah, and Wyoming as
5 well as, in California, the Superior Courts of Alameda, Calaveras, Kern, Los Angeles,
6 Marin, Mariposa, Monterey, Orange, Sacramento, San Diego, San Francisco, San Mateo,
7 Santa Clara, Santa Cruz, Shasta, Tulare, Ventura, and Yolo counties. My research,
8 writing, and testimony have been cited by state courts, including the California Supreme
9 Court, and by Federal District Courts, Circuit Courts of Appeal, and the United States
10 Supreme Court.³

11 **II. Nature and Basis of Expert Opinion**

12
13 8. I have been retained by counsel for the plaintiffs in Parsons v. Ryan to
14 provide expert opinions on three inter-related topics: a) a summary of what is known
15 about the negative psychological consequences of confinement in isolation or “supermax”
16 prisons; b) an explanation of whether and how those negative consequences can be
17 exacerbated for prisoners who are suffering from serious mental illness (“SMI”);⁴ and,
18

19 Prison Violence, University of Missouri-Kansas City Law Review, 77, 911-946 (2009);
20 Craig Haney, Demonizing the “Enemy”: The Role of Science in Declaring the “War on
21 Prisoners,” Connecticut Public Interest Law Review, 9, 139-196 (2010); Craig Haney,
22 The Perversions of Prison: On the Origins of Hypermasculinity and Sexual Violence in
23 Confinement, American Criminal Law Review, 48, 121-141 (2011) [Reprinted in: S.
24 Ferguson (Ed.), Readings in Race, Ethnicity, Gender and Class. Sage Publications
(2012)]; and Craig Haney, Prison Effects in the Age of Mass Imprisonment, The Prison
Journal, 92, 1-24 (2012).

³ For example, see Brown v. Plata, 131 S.Ct. 1910 (2011).

⁴ The definition of a serious mental illness or SMI generally includes persons with a
25 current diagnosis or significant recent history of types of DSM-IV-TR Axis I diagnoses
26 (including schizophrenia, delusional disorder, schizophreniform disorder, schizoaffective
27 disorder, brief psychotic disorder, psychotic disorder not otherwise specified, major
28 depressive disorders, and bipolar disorder I and II), persons who suffer from other
diagnosed Axis I psychiatric disorders commonly characterized by breaks with reality, or

1 finally, c) based on the case-specific discovery that I have been provided and reviewed,
2 the extent to which prisoners housed in the Arizona Department of Corrections, including
3 those who suffer from SMI, are subjected to solitary-type confinement that may place
4 them at a serious risk of psychological harm.

5 9. My opinions on these topics are based on a number of sources. In addition
6 to my own direct experience interviewing and evaluating prisoners housed in solitary
7 confinement (including some who were suffering from SMI), I reviewed the extensive
8 published literature that addresses the psychological effects of solitary confinement. In
9 addition, I requested and have been provided with a set of official documents that pertain
10 to the use of solitary confinement within the Arizona Department of Corrections
11 (“ADC”). The discovery documents that I reviewed include: the Class Action Complaint
12 for Injunctive and Declaratory Relief in Parsons v. Ryan; an April, 2012 Amnesty
13 International report on conditions in ADC’s Special Management Units entitled “Cruel
14 Isolation: Amnesty International’s Concerns about Conditions in Arizona Maximum
15 Security Prisons”; a document entitled “Arizona Department of Corrections Medical (M)
16 and Mental Health (MH) Score Inmate Distribution by Complex for FY 2011”; a
17 document entitled “Arizona Department of Corrections MH Levels Statistical Summary as
18 of: 07/23/2012”; excerpts of an October 3, 2012 Deposition of Tracy Crews, M.D.;
19 excerpts from an October 3, 2012 deposition of Ben Shaw, Ph.D.; March 18, 2011 Letter
20 from ADC Mental Health Director Ben Shaw, Ph.D., and Deputy Director Charles
21 Flanagan to the ADC Commission; Defendant Ryan’s First Supplemental Answers to
22 Plaintiff Brislan’s First Set of Request for Admissions (dated 10/17/12); Department
23 Order 809, Earned Incentive Program (Jan. 11, 2011); Declaration of Plaintiff Dustin
24

25 perceptions of reality, or that lead the individual to experience significant functional
26 impairment involving acts of self-harm or other behaviors that have a seriously adverse
27 effect on life or on mental or physical health, and persons diagnosed with severe
28 personality disorders that are manifested by episodes of psychosis or depression, and
result in significant functional impairment involving acts of self-harm or other behaviors
that have a seriously adverse effect on life or on mental or physical health.

1 Brislan; Declaration of Plaintiff Joshua Polson; Declaration of Plaintiff Christina
2 Verduzco; Declaration of Plaintiff Jackie Thomas.

3 10. By way of summary, it is my expert opinion that being housed in solitary or
4 isolated confinement can produce a number of negative psychological effects and places
5 prisoners at grave risk of psychological harm. I believe that these effects are now well
6 understood and described in the scientific literature. Scientific knowledge of these effects
7 derives from numerous empirical studies. The findings are “robust”—that is, they come
8 from studies that were conducted by researchers and clinicians from diverse backgrounds
9 and perspectives, were completed and published over a period of many decades, and are
10 empirically very consistent. With remarkably few exceptions, virtually every one of these
11 studies has documented the pain and suffering that isolated prisoners endure and the risk
12 of psychological harm that they confront.

13 11. In addition, the empirical conclusions are theoretically sound. That is, there
14 are numerous sound theoretical reasons to expect that long-term isolation, the absence of
15 meaningful social interaction and activity, and the other severe deprivations that are
16 common under conditions of isolated or solitary confinement would have harmful
17 psychological consequences. Those conditions and experiences are known to produce
18 adverse psychological effects in contexts other than prison and it makes perfect theoretical
19 sense that they produce similar outcomes in correctional settings.

20 12. In addition, there are sound theoretical reasons to expect that prisoners who
21 suffer from SMI would have a more difficult time tolerating the painful experience of
22 isolation or solitary confinement. This is in part because of the greater vulnerability of the
23 mentally ill in general to stressful, traumatic conditions, and in part because some of the
24 extraordinary conditions of isolation adversely impact the particular symptoms from
25 which mentally ill prisoners suffer (such as depression) or directly aggravate aspects of
26 their pre-existing psychiatric conditions.

27 13. It is my opinion that the failure of the Arizona Department of Corrections
28

1 (ADC) to exclude categorically prisoners who suffer from SMI from its isolation units is
2 inconsistent with sound corrections and mental health practice and places all such
3 prisoners at substantial risk of harm. It is also my opinion that the policies, practices and
4 admissions of ADC regarding conditions of confinement in its isolation units, as depicted
5 in the documents and materials I have reviewed, reflect the type of conditions that my
6 own experience and research—which is also supported by decades of scientific research
7 and study by others—have found to be potentially detrimental to all human beings,
8 regardless of pre-existing mental illness. As such, all ADC prisoners are at risk of
9 substantial psychological harm under ADC’s current isolation policy and practice.

10 14. I should note that my opinions concerning the use, nature, and effects of
11 isolated confinement in the ADC are partial and preliminary. It is my understanding that
12 additional information will be forthcoming during the course of the litigation. For
13 example, I have not been able to tour the ADC facilities; interview staff or prisoners; or
14 review prisoner files and other documents. Despite this, based on the documents and
15 materials that I have reviewed (as listed in paragraph 9 above), I am able to formulate
16 preliminary opinions about ADC’s isolation policies and practices. This is not a complete
17 list of the opinions that I anticipate I will reach in this case and these opinions will be
18 developed and supplemented as more information becomes available.

19 **III. The Adverse Psychological Effects of Isolation**

20 15. “Solitary confinement” and “isolated confinement” are terms of art in
21 correctional practice and scholarship. For perhaps obvious reasons, total and absolute
22 solitary confinement—literally complete isolation from any form of human contact—does
23 not exist in prison and never has. Instead, the term is generally used to refer to conditions
24 of extreme (but not total) isolation from others. I have defined it elsewhere, in a way that
25 is entirely consistent with its use in the broader correctional literature, as:
26

27 [S]egregation from the mainstream prisoner population in
28 attached housing units or free-standing facilities where

1 prisoners are involuntarily confined in their cells for upwards
2 of 23 hours a day or more, given only extremely limited or no
3 opportunities for direct and normal social contact with other
4 persons (i.e., contact that is not mediated by bars, restraints,
5 security glass or screens, and the like), and afforded extremely
6 limited if any access to meaningful programming of any kind.⁵

7 Indeed, because their extreme isolation from the mainstream prisoner population, their
8 near or complete exclusion from prison activities and programs, and the fact that they are
9 confined in their cells virtually around-the-clock, even prisoners in “isolated confinement”
10 who are double-celled (i.e., housed with another prisoner) may suffer some of the worst
11 effects described in the following paragraphs. Indeed, in some ways, these prisoners have
12 the worst of both worlds: “crowded” and confined with another person inside a small cell
13 but simultaneously deprived of even minimal freedoms, access to programs, and “normal”
14 and meaningful forms of social interaction.

15 16. Presumably designed to limit and control violence by keeping prisoners
16 isolated from one another, solitary confinement or “supermax” prisons subject prisoners to
17 especially harsh and deprived conditions of confinement that come with a significant risk
18 of psychological harm. As a general matter, as I noted in passing above, psychologists
19 know from studies of behavior and adjustment in free society that social isolation in
20 general is potentially very harmful and can cause irreparable damage to overall
21 psychological functioning.⁶ Its effects are no less harmful in prison.

22 17. Indeed, there is now a reasonably large and growing literature on the many
23 ways that solitary or so-called “supermax” confinement can very seriously damage the
24 overall mental health of prisoners. The long-term absence of meaningful human contact
25 and social interaction, the enforced idleness and inactivity, and the oppressive security and

26 ⁵ Craig Haney, *The Social Psychology of Isolation: Why Solitary Confinement is*
27 *Psychologically Harmful*, *Prison Service Journal*, 12 (January, 2009), at n.1.

28 ⁶ For example, see: Graham Thornicroft, *Social Deprivation and Rates of Treated*
Mental Disorder: Developing Statistical Models to Predict Psychiatric Service
Utilisation, *British Journal of Psychiatry*, 158, 475-484 (1991).

1 surveillance procedures (and the weapons, hardware, and other paraphernalia that go
2 along with them) all combine to create starkly deprived conditions of confinement. These
3 conditions predictably impair the cognitive and mental health functioning of many
4 prisoners who are subjected to them.⁷ For some, these impairments can be permanent and
5 life-threatening.

6 18. In the admitted absence of a single “perfect” study of the phenomenon,⁸
7 there is a substantial body of published literature that clearly documents the distinctive
8 patterns of psychological harm that can and do occur when persons are placed in solitary
9 confinement. These broad patterns have been consistently identified in personal accounts
10 written by persons confined in isolation, in descriptive studies authored by mental health
11

12 ⁷ For example, see: Kristin Cloyes, David Lovell, David Allen & Lorna Rhodes,
13 Assessment of Psychosocial Impairment in a Supermaximum Security Unit Sample,
14 Criminal Justice and Behavior, 33, 760-781 (2006); Craig Haney, Mental Health Issues in
15 Long-Term Solitary and “Supermax” Confinement. Crime & Delinquency, 49, 124-156
16 (2003); and Peter Smith, The Effects of Solitary Confinement on Prison Inmates: A Brief
17 History and Review of the Literature, in Michael Tonry (Ed.), Crime and Justice (pp. 441-
18 528). Volume 34. Chicago: University of Chicago Press (2006).

19 ⁸ No more than basic knowledge of research methodology is required to design the
20 “perfect” study of the effects of solitary confinement: dividing a representative sample of
21 prisoners (who had never been in solitary confinement) into two groups by randomly
22 assigning half to either a treatment condition (say, two or more years in solitary
23 confinement) or a control condition (the same length of time residing in a typical prison
24 housing unit), and conducting longitudinal assessments of both groups (i.e., before,
25 during, and after their experiences), by impartial researchers skilled at gaining the trust of
26 prisoners (including ones perceived by the prisoner-participants as having absolutely no
27 connection to the prison administration). Unfortunately, no more than basic knowledge of
28 the realities of prison life and the practicalities of conducting research in prisons is
required to understand why such a study would be impossible to ever conduct. Moreover,
any prison system that allowed truly independent, experienced researchers to perform
even a reasonable approximation of such a study would be, almost by definition, so
atypical as to call the generalizability of the results into question. Keep in mind also that
the assessment process itself—depending on who carried it out, how often it was done,
and in what manner—might well provide the solitary confinement participants with more
meaningful social contact than they are currently afforded in a number of such units with
which I am familiar, thereby significantly changing (and improving) the conditions of
their confinement.

1 professionals who worked in many such places, and in systematic research conducted on
2 the nature and effects of solitary or “supermax” confinement. The studies have now
3 spanned a period of over four decades, and were conducted in locations across several
4 continents by researchers with different professional expertise, ranging from psychiatrists
5 to sociologists and architects.⁹

6 19. For example, mental health and correctional staff who have worked in
7 disciplinary segregation and isolation units have reported observing a range of
8 problematic symptoms manifested by the prisoners confined in these places.¹⁰ The authors
9 of one of the early studies of solitary confinement summarized their findings by
10 concluding that “[e]xcessive deprivation of liberty, here defined as near complete
11 confinement to the cell, results in deep emotional disturbances.”¹¹

12 20. A decade later, Professor Hans Toch’s large-scale psychological study of
13 prisoners “in crisis” in New York State correctional facilities included important
14

15
16 ⁹ For example, see: Arrigo, B., & Bullock, J., The Psychological Effects of Solitary
17 Confinement on Prisoners in Supermax Units: Reviewing What We Know and What
18 Should Change, International Journal of Offender Therapy and Comparative Criminology,
19 52, 622-640 (2008); Haney, C., supra note 6; Haney, C., & Lynch, M., Regulating Prisons
20 of the Future: The Psychological Consequences of Solitary and Supermax Confinement,
21 New York University Review of Law and Social Change 23, 477-570 (1997); Smith, P.,
22 The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of
23 the Literature, in M. Tonry (Ed.), Crime and Justice (pp. 441-528). Volume 34. Chicago:
24 University of Chicago Press (2006).

25 ¹⁰ For detailed reviews of all of these psychological issues, and references to the many
26 empirical studies that support these statements, see: Craig Haney and Mona Lynch, supra
27 note 9, and Craig Haney, supra note 7.

28 ¹¹ Bruno M. Cormier & Paul J. Williams, Excessive Deprivation of Liberty, Canadian
Psychiatric Association Journal, 11, 470-484 (1966), at p. 484. For other early studies of
solitary confinement, see: Paul Gendreau, N. Freedman, G. Wilde, & George Scott,
Changes in EEG Alpha Frequency and Evoked Response Latency During Solitary
Confinement, Journal of Abnormal Psychology, 79, 54-59 (1972); George Scott & Paul
Gendreau, Psychiatric Implications of Sensory Deprivation in a Maximum Security
Prison, Canadian Psychiatric Association Journal, 12, 337-341 (1969); Richard H.
Walters, John E. Callagan & Albert F. Newman, Effect of Solitary Confinement on
Prisoners, American Journal of Psychiatry, 119, 771-773 (1963).

1 observations about the effects of isolation.¹² After he and his colleagues had conducted
2 numerous in-depth interviews of prisoners, Toch concluded that “isolation panic” was a
3 serious problem in solitary confinement. The symptoms that Toch reported included rage,
4 panic, loss of control and breakdowns, psychological regression, a build-up of
5 physiological and psychic tension that led to incidents of self-mutilation.¹³ Professor Toch
6 noted that although isolation panic could occur under other conditions of confinement it
7 was “most sharply prevalent in segregation.” Moreover, it marked an important dichotomy
8 for prisoners: the “distinction between imprisonment, which is tolerable, and isolation,
9 which is not.”¹⁴

10 21. More recent studies have identified other symptoms that appear to be
11 produced by these conditions. Those symptoms include: appetite and sleep disturbances,
12 anxiety, panic, rage, loss of control, paranoia, hallucinations, and self-mutilations.
13 Moreover, direct studies of prison isolation have documented an extremely broad range of
14 harmful psychological reactions. These effects include increases in the following
15 potentially damaging symptoms and problematic behaviors: anxiety, withdrawal,
16 hypersensitivity, ruminations, cognitive dysfunction, hallucinations, loss of control,
17 irritability, aggression, and rage, paranoia, hopelessness, a sense of impending emotional
18 breakdown, self-mutilation, and suicidal ideation and behavior.¹⁵

20 ¹² Hans Toch, Men in Crisis: Human Breakdowns in Prisons. Aldine Publishing Co.:
21 Chicago (1975).

22 ¹³ Id. at 54.

23 ¹⁴ Ibid.

24 ¹⁵ In addition to the numerous studies cited in the articles referenced *supra* at notes 7 and
25 8, there is a significant international literature on the adverse effects of solitary
26 confinement. For example, see: Henri N. Barte, L’Isolement Carceral, Perspectives
27 Psychiatriques, 28, 252 (1989). Barte analyzed what he called the “psychopathogenic”
28 effects of solitary confinement in French prisons and concluded that prisoners placed there
for extended periods of time could become schizophrenic instead of receptive to social
rehabilitation. He argued that the practice was unjustifiable, counterproductive, and “a
denial of the bonds that unite humankind.” In addition, see: Reto Volkart, Einzelhaft: Eine
Literaturubersicht (Solitary confinement: A literature survey), Psychologie -
Schweizerische Zeitschrift fur Psychologie und ihre Anwendungen, 42, 1-24 (1983)

1 22. In addition, there are correlational studies of the relationship between
2 housing type and various kinds of incident reports in prison. They show that self-
3 mutilation and suicide are more prevalent in isolated, punitive housing units such as
4 administrative segregation and security housing where prisoners are subjected to solitary-
5 like conditions of confinement. For example, clinical researchers Ray Patterson and Kerry

6
7 (reviewing the empirical and theoretical literature on the negative effects of solitary
8 confinement); Reto Volkart, Adolf Dittrich, Thomas Rothenfluh, & Paul Werner, Eine
9 Kontrollierte Untersuchung uber Psychopathologische Effekte der Einzelhaft (A
10 controlled investigation on psychopathological effects of solitary confinement),
11 Psychologie - Schweizerische Zeitschrift fur Psychologie und ihre Anwendungen, 42, 25-
12 46 (1983) (when prisoners in “normal” conditions of confinement were compared to those
13 in solitary confinement, the latter were found to display considerably more
14 psychopathological symptoms that included heightened feelings of anxiety, emotional
15 hypersensitivity, ideas of persecution, and thought disorders); Reto Volkart, et al.,
16 Einzelhaft als Risikofaktor fur Psychiatrische Hospitalisierung (Solitary confinement as a
17 risk for psychiatric hospitalization), Psychiatria Clinica, 16, 365-377 (1983) (finding that
18 prisoners who were hospitalized in a psychiatric clinic included a disproportionate number
19 who had been kept in solitary confinement); Boguslaw Waligora, Funkcjonowanie
20 Czlowieka W Warunkach Izolacji Wieziennej (How men function in conditions of
21 penitentiary isolation), Seria Psychologia I Pedagogika NR 34, Poland (1974) (concluding
22 that so-called “pejorative isolation” of the sort that occurs in prison strengthens “the
23 asocial features in the criminal’s personality thus becoming an essential cause of
24 difficulties and failures in the process of his resocialization”). See, also, Ida Koch, Mental
25 and Social Sequelae of Isolation: The Evidence of Deprivation Experiments and of Pretrial
26 Detention in Denmark, in The Expansion of European Prison Systems, Working Papers in
27 European Criminology, No. 7, 119 (Bill Rolston & Mike Tomlinson eds. 1986) who found
28 evidence of “acute isolation syndrome” among detainees that occurred after only a few
days in isolation and included “problems of concentration, restlessness, failure of memory,
sleeping problems and impaired sense of time an ability to follow the rhythm of day and
night” (at p. 124). If the isolated confinement persisted—“a few weeks” or more—there
was the possibility that detainees would develop “chronic isolation syndrome,” including
intensified difficulties with memory and concentration, “inexplicable fatigue,” a “distinct
emotional lability” that can include “fits of rage,” hallucinations, and the “extremely
common” belief among isolated prisoners that “they have gone or are going mad” (at p.
125). See, also: Michael Bauer, Stefan Priebe, Bettina Haring & Kerstin Adamczak, Long-
Term Mental Sequelae of Political Imprisonment in East Germany, Journal of Nervous &
Mental Disease, 181, 257-262 (1993), who reported on the serious and persistent
psychiatric symptoms suffered by a group of former East German political prisoners who
sought mental health treatment upon release and whose adverse conditions of confinement
had included punitive isolation.

1 Hughes attributed higher suicide rates in solitary confinement-type units to the heightened
2 levels of “environmental stress” that are generated by the “isolation, punitive sanctions,
3 [and] severely restricted living conditions” that exist there.¹⁶ These authors reported that
4 “the conditions of deprivation in locked units and higher-security housing were a common
5 stressor shared by many of the prisoners who committed suicide.”¹⁷ In addition, signs of
6 deteriorating mental and physical health (beyond self-injury), other-directed violence,
7 such as stabbings, attacks on staff, and property destruction, and collective violence are
8 also more prevalent in these units.¹⁸

9 23. The painfulness and damaging potential of extreme forms of solitary
10 confinement is underscored by its use in so-called “brainwashing” and certain forms of
11 torture. In fact, many of the negative effects of solitary confinement are analogous to the
12 acute reactions suffered by torture and trauma victims, including post-traumatic stress
13
14

15
16 ¹⁶ Raymond Patterson & Kerry Hughes, Review of Completed Suicides in the California
17 Department of Corrections and Rehabilitation, 1999-2004, Psychiatric Services, 59, 676-
682 (2008), at p. 678.

18 ¹⁷ Ibid. See also: Lindsay M. Hayes, National Study of Jail Suicides: Seven Years Later.
19 Special Issue: Jail Suicide: A Comprehensive Approach to a Continuing National
20 Problem, Psychiatric Quarterly, 60, 7 (1989); Alison Liebling, Vulnerability and Prison
21 Suicide, British Journal of Criminology, 36, 173-187 (1995); and Alison Liebling, Prison
22 Suicide and Prisoner Coping, Crime and Justice, 26, 283-359 (1999).

23 ¹⁸ For example, see: Howard Bidna, Effects of Increased Security on Prison Violence,
24 Journal of Criminal Justice, 3, 33-46 (1975); K. Anthony Edwards, Some Characteristics
25 of Prisoners Transferred from Prison to a State Mental Hospital, Behavioral Sciences and
26 the Law, 6, 131-137 (1988); Elmer H. Johnson, Felon Self-Mutilation: Correlate of Stress
27 in Prison, in Bruce L. Danto (Ed.) Jail House Blues. Michigan: Epic Publications (1973);
28 Anne Jones, Self-Mutilation in Prison: A Comparison of Mutilators and Nonmutilators,
Criminal Justice and Behavior, 13, 286-296 (1986); Peter Kratcoski, The Implications of
Research Explaining Prison Violence and Disruption, Federal Probation, 52, 27-32
(1988); Ernest Otto Moore, A Prison Environment: Its Effect on Health Care Utilization,
Dissertation Abstracts, Ann Arbor, Michigan (1980); Frank Porporino, Managing Violent
Individuals in Correctional Settings, Journal of Interpersonal Violence, 1, 213-237 (1986);
and Pamela Steinke, Using Situational Factors to Predict Types of Prison Violence, 17
Journal of Offender Rehabilitation, 17, 119-132 (1991).

1 disorder (“PTSD”) and the kind of psychiatric sequelae that plague victims of what are
2 called “deprivation and constraint” torture techniques.¹⁹

3 24. The prevalence of psychological symptoms (that is, the extent to which
4 prisoners who are placed in these units suffer from these and related symptoms) is often
5 very high. For example, in a study that I conducted of a representative sample of one
6 hundred prisoners who were housed in the Security Housing Unit at Pelican Bay Prison, in
7 California—a facility that California prison officials acknowledged was “modeled” on
8 Arizona’s SMU I facility that they toured in advance of Pelican Bay’s construction—I
9 found that every symptom of psychological distress that I measured but one (fainting
10 spells) was suffered by more than half of the prisoners who were interviewed.²⁰ Many of
11 the symptoms were reported by two-thirds or more of the prisoners assessed in this
12 isolated housing unit, and some were suffered by nearly everyone. Well over half of the
13 Pelican Bay isolated prisoners in this study reported a constellation of symptoms—
14 headaches, trembling, sweaty palms, and heart palpitations—that is commonly associated
15 with hypertension.

16 25. I also found that almost all of the prisoners whom I evaluated reported
17 ruminations or intrusive thoughts, an oversensitivity to external stimuli, irrational anger

18
19 ¹⁹ Solitary confinement is among the most frequently used psychological torture
20 techniques. In D. Foster, Detention & Torture in South Africa: Psychological, Legal &
21 Historical Studies, Cape Town: David Philip (1987), Psychologist Foster listed solitary
22 confinement among the most common “psychological procedures” used to torture South
23 African detainees (at p. 69), and concluded that “[g]iven the full context of dependency,
24 helplessness and social isolation common to conditions of South African security law
25 detention, there can be little doubt that solitary confinement under these circumstances
26 should in itself be regarded as a form of torture” (at p. 136). See also: Matthew Lippman,
27 The Development and Drafting of the United Nations Convention Against Torture and
28 Other Cruel, Inhuman or Degrading Treatment or Punishment, 27 Boston College
International & Comparative Law Review, 27, 275 (1994); Tim Shallice, Solitary
Confinement—A Torture Revived? New Scientist, November 28, 1974; F.E. Somnier &
I.K. Genefke, Psychotherapy for Victims of Torture, British Journal of Psychiatry, 149,
323-329 (1986); and Shaun R. Whittaker, Counseling Torture Victims, The Counseling
Psychologist, 16, 272-278 (1988).

²⁰ See Haney, supra note 7.

1 and irritability, difficulties with attention and often with memory, and a tendency to
2 socially withdraw. Almost as many prisoners reported a constellation of symptoms
3 indicative of mood or emotional disorders—concerns over emotional flatness or losing the
4 ability to feel, swings in emotional responding, and feelings of depression or sadness that
5 did not go away. Finally, sizable minorities of the prisoners reported symptoms that are
6 typically only associated with more extreme forms of psychopathology—hallucinations,
7 perceptual distortions, and thoughts of suicide.

8 26. Although these specific symptoms of psychological stress and the
9 psychopathological reactions to isolation are numerous and well-documented, and
10 certainly provide one index of the magnitude of the risk of harm this kind of experience
11 presents, they do not encompass all of the psychological pain and dysfunction that such
12 confinement can incur, the magnitude of the negative changes it may bring about, or even
13 the full range of the risk of harm it represents. Among other things, such extreme
14 deprivation of social contact can undermine an individual’s social identity, destabilize his
15 sense of self, and ultimately destroy his ability to function in free society.

16 27. Depriving people of contact with others for long periods of time is
17 psychologically harmful and potentially destabilizing for another, related set of reasons.
18 The importance of “affiliation”—the opportunity to have meaningful contact with
19 others—in reducing anxiety in the face of uncertain or fear-arousing stimuli is long-
20 established in social psychological literature.²¹ In addition, one of the ways that people
21 determine the appropriateness of their feelings—indeed, how we establish the very nature
22 and tenor of our emotions—is through contact with others.²²

23
24 ²¹ For example, see: Stanley Schachter, The Psychology of Affiliation: Experimental
25 Studies of the Sources of Gregariousness. Stanford, CA: Stanford University Press (1959);
26 Irving Sarnoff & Philip Zimbardo, Anxiety, Fear, and Social Affiliation, Journal of
27 Abnormal Social Psychology, 62, 356-363 (1961); Philip Zimbardo & Robert Formica,
Emotional Comparison and Self-Esteem as Determinants of Affiliation, Journal of
28 Personality, 31, 141-162 (1963).

²² For example, see: A. Fischer, A. Manstead, & R. Zaalberg, Social Influences on the
Emotion Process, in M. Hewstone & W. Stroebe (Eds.), European Review of Social

1 28. Solitary confinement is a socially pathological environment that forces long-
2 term inhabitants to develop their own socially pathological adaptations—ones premised on
3 the absence of meaningful contact with people—in order to function and survive. As a
4 result, prisoners gradually change their patterns of thinking, acting and feeling to cope
5 with their largely asocial world and the impossibility of relying on social support or the
6 routine feedback that comes from normal contact with others. Clearly, then, these
7 adaptations represent “social pathologies” brought about by the socially pathological
8 environment of isolation. However, although they are functional and even necessary under
9 these circumstances, they can become especially painful and disabling if taken to
10 extremes, or if and when they are internalized so deeply that they persist long after time in
11 isolation has ended.

12 29. For example, some prisoners cope with the asociality of their daily existence
13 by paradoxically creating even more. That is, they socially withdraw further from the
14 world around them, receding even more deeply into themselves than the sheer physical
15 isolation of solitary confinement and its attendant procedures require. Others move from
16 initially being starved for social contact to eventually being disoriented and even
17 frightened by it. As they become increasingly unfamiliar and uncomfortable with social
18 interaction, they are further alienated from others and made anxious in their presence.²³

19 30. Although social deprivation is at the core of solitary confinement, and what
20

21 Psychology (pp. 171-202). Volume 14. Wiley Press (2004); C. Saarni, The Development
22 of Emotional Competence. New York: Guilford Press (1999); Stanley Schachter & Jerome
23 Singer, Cognitive, Social, and Physiological Determinants of Emotional State,
24 Psychological Review, 69, 379-399 (1962); L. Tiedens & C. Leach (Eds.), The Social Life
25 of Emotions. New York: Cambridge University Press (2004); and S. Truax, Determinants
26 of Emotion Attributions: A Unifying View, Motivation and Emotion, 8, 33-54 (1984).

27 ²³ For evidence that solitary confinement may lead to a withdrawal from social contact or
28 an increased tendency to find the presence of people increasingly aversive or anxiety-
arousing, see: Cormier, B., & Williams, supra note 11; Haney, supra note 7; H. Miller &
G. Young, Prison Segregation: Administrative Detention Remedy or Mental Health
Problem?, Criminal Behaviour and Mental Health, 7, 85-94 (1997); Scott & Gendreau,
supra note 11; Toch, supra note 112; and Waligora, supra note 15.

1 seemingly accounts for its most intense psychological pain and the greatest risk of harm,
2 prison isolation units also deprive prisoners of more than social contact. Thus, there are
3 characteristically high levels of repressive control, enforced idleness, reduced
4 environmental stimulation, and physical deprivations that also lead to psychological
5 distress and can create even more lasting negative consequences. Indeed, most of the
6 things that we know are beneficial to prisoners—such as increased participation in
7 institutional programming, visits with persons from outside the prison, physical exercise,
8 and so on²⁴—are either functionally denied or greatly restricted to prisoners housed in
9 isolation units. In addition to the social pathologies that are created by the experience of
10 solitary confinement, as I say, these other stressors also can produce additional negative
11 psychological effects.

12 31. In addition, of course, people require a certain level of mental and physical
13 activity in order to remain healthy. The near total lack of movement and opportunity for
14 exercise experienced by most prisoners in isolation unquestionably impacts their mental
15 health. Simply put, human beings need movement and exercise to maintain healthy
16 mental functioning—without the possibility for such normal and necessary human
17 activity, prisoners in isolation suffer a risk of serious mental harm.

18 32. Apart from the profound social, mental and physical deprivations that
19 solitary confinement can produce, prisoners housed in these units experience prolonged
20 periods of monotony and idleness. Many of them experience a form sensory deprivation—
21 there is an unvarying sameness to the physical stimuli that surround them, they exist
22 within the same limited spaces and are subjected to the same repetitive routines, and there
23 is little or no external variation to the experiences they are permitted to have or can create
24 for themselves. This loss of perceptual and cognitive or mental stimulation may result in
25 the atrophy of important related skills and capacities.²⁵

26
27 ²⁴ J. Wooldredge, Inmate Experiences and Psychological Well-Being, Criminal Justice and Behavior, 26, 235-250 (1999).

28 ²⁵ For examples of this range of symptoms, see: Brodsky & Scogin, Inmates in Protective

1 33. I hasten to add that not every isolated prisoner experiences all or even most
2 of the range of adverse reactions I have described above. But the nature and magnitude of
3 the negative psychological consequences themselves underscore the stressfulness of this
4 kind of confinement, the lengths to which prisoners must go to adapt and adjust to it, and
5 the risk of harm that is created by isolation and its broad range of severe stressors and
6 deprivations. The devastating effects of the conditions typically found in isolation units
7 are repeatedly played out in the characteristically high numbers of suicide deaths,
8 incidents of self-harm and self-mutilation. Given the years of sustained research on
9 solitary confinement and the observable outcomes produced by this form of incarceration
10 across time and locality, there can be no doubt that the negative psychological impact of
11 confinement in these environments is often severe and, for some prisoners, sets in motion
12 a set of cognitive, emotional, and behavioral changes that are long-lasting. Indeed, they
13 can persist beyond the time that prisoners are housed in isolation and, for some, will prove
14 irreversible.

15 16 **IV. The Exacerbating Effects of Isolation on Mental Illness**

17 34. Although isolated confinement creates obvious risks of harm for all, most
18 experts acknowledge that the adverse psychological effects of isolated or solitary
19 confinement vary as a function not only of the specific nature and duration of the isolation
20 (such that more deprived conditions experienced for longer amounts of time are likely to
21 have more detrimental consequences) but also as a function of the characteristics of the
22 prisoners subjected to it. Unusually resilient prisoners may be able to withstand even harsh
23 forms of solitary confinement with few or minor adverse effects. Conversely, some
24

25
26 Custody: First Data on Emotional Effects, Forensic Reports, 1, 267-280 (1988); Grassian,
27 S., Psychopathological Effects of Solitary Confinement, American Journal of Psychiatry,
28 140, 1450-54 (1983); Haney, supra note 7; Miller & Young, supra note 23; and Volkart, et
al., supra note 15.

1 prisoners are especially vulnerable to the psychological pain and pressure of solitary
2 confinement. Mentally ill prisoners are particularly at risk in these environments and have
3 been precluded from them precisely because of this. There are several reasons why this is
4 so.

5 35. For one, as I have noted, solitary confinement or isolation is a significantly
6 more stressful and psychologically painful form of prison confinement for most prisoners.
7 Mentally ill prisoners are generally more sensitive and reactive to psychological stressors
8 and emotional pain. In many ways, the harshness and severe levels of deprivation that are
9 imposed on them in isolation are the antithesis of the benign and socially supportive
10 atmosphere that mental health clinicians seek to create within therapeutic environments.
11 Not surprisingly, mentally ill prisoners generally deteriorate and decompensate when they
12 are placed in isolation units.

13 36. Some of the exacerbation of mental illness that occurs in isolated
14 confinement comes about as a result of the critically important role that social contact and
15 social interaction play in maintaining psychological equilibrium. The esteemed
16 psychiatrist Harry Stack Sullivan once summarized the clinical importance of meaningful
17 social contact by observing that “[w]e can’t be alone in things and be very clear on what
18 happened to us, and we... can’t be alone and be very clear even on what is happening in
19 us very long—excepting that it gets simpler and simpler, and more primitive and more
20 primitive, and less and less socially acceptable.”²⁶ Social contact and social interaction are
21 essential components in the creation and maintenance of normal social identity and social
22 reality.

23 37. Thus, one of the most fundamental ways in which isolation psychologically
24 destabilizes prisoners is that it undermines their sense of self or social identity and erodes
25 their connection to a shared social reality. Isolated prisoners have few if any opportunities
26

27 ²⁶ Harry Stack Sullivan, *The Illusion of Personal Individuality*, Psychiatry, 12, 317-332
28 (1971), at p. 326.

1 to receive feedback about their feelings and beliefs, which become increasingly untethered
2 from any normal social context. As Cooke and Goldstein put it:

3
4 A socially isolated individual who has few, and/or superficial
5 contacts with family, peers, and community cannot benefit
6 from social comparison. Thus, these individuals have no
7 mechanism to evaluate their own beliefs and actions in terms
8 of reasonableness or acceptability within the broader
community. They are apt to confuse reality with their
idiosyncratic beliefs and fantasies and likely to act upon such
fantasies, including violent ones.²⁷

9
10 In extreme cases, a related pattern emerges: isolated confinement becomes so painful, so
11 bizarre, and so impossible to make sense of that some prisoners create their own reality—
12 they live in a world of fantasy instead of the intolerable one that surrounds them.

13 38. Finally, many of the direct negative psychological effects of isolation are
14 very similar if not identical to certain symptoms of mental illness. Even though these
15 specific effects are typically thought to be less chronic or persistent when produced by
16 the prisoner's conditions of confinement than those that derive from a diagnosable mental
17 illness, when they occur in combination they are likely to exacerbate not only the outward
18 manifestation of the symptoms but also the internal experience of the disorder. For
19 example, many studies have documented the degree to which isolated confinement
20 contributes to feelings of lethargy, hopelessness, and depressed mood. For clinically
21 depressed prisoners, these situational effects are likely to exacerbate their pre-existing
22 chronic condition and lead to worsening of their depressed state. Similarly, the mood
23 swings that some prisoners report in isolation would be expected to amplify the emotional
24 instability that prisoners diagnosed with bi-polar disorder suffer. Prisoners who suffer
25 from disorders of impulse control would likely find their pre-existing condition made

26
27 ²⁷ Compare, also, Margaret K. Cooke & Jeffrey H. Goldstein, *Social Isolation and*
28 *Violent Behavior*, Forensic Reports, 2, 287-294 (1989), at p. 288.

1 worse by the frustration, irritability, and anger that many isolated prisoners report
2 experiencing. And prisoners prone to psychotic breaks may suffer more in isolated
3 confinement due to conditions that deny them the stabilizing influence of social feedback.

4 39. As a result of the special vulnerability of mentally ill prisoners to the
5 psychological effects of isolated or supermax confinement, corrections officials and courts
6 that have considered the issue have prohibited them from being placed in such units. In
7 addition, mental health staff in most prison systems with which I am familiar are charged
8 with the responsibility not only of screening prisoners in advance of their possibly being
9 placed in isolation (so that the mentally ill can be excluded) but also of monitoring
10 prisoners who are currently housed in solitary confinement for signs of emerging mental
11 illness (so that they, too, can be removed). For example, one court that was presented
12 with systematic evidence of the psychological risk of harm that supermax-type
13 confinement entailed concluded that the seriously mentally ill must be excluded from such
14 environments. Thus, the court noted that those prisoners for whom the psychological risks
15 were “particularly”—and unacceptably—high included anyone suffering from “overt
16 paranoia, psychotic breaks with reality, or massive exacerbations of existing mental illness
17 as a result of the conditions in [solitary confinement].”²⁸ The court elaborated on this
18 conclusion by noting that those who should be excluded from isolated, “supermax”
19 confinement included:

20
21 [T]he already mentally ill, as well as persons with borderline
22 personality disorders, brain damage or mental retardation,
23 impulse-ridden personalities, or a history of prior psychiatric
24 problems or chronic depression. For these inmates, placing
25 them in [isolated confinement] is the mental equivalent of
26 putting an asthmatic in a place with little air to breathe. The
27 risk is high enough, and the consequences serious enough, that
28 we have no hesitancy in finding that the risk is plainly
"unreasonable."²⁹

28 ²⁸ Madrid v. Gomez, 889 F.Supp. 1146, 1265 (N.D. Cal. 1995).

29 ²⁹ Ibid.

1 40. The accumulated weight of the scientific evidence that I have cited to and
2 summarized above demonstrates the negative psychological effects of isolated
3 confinement—what happens to people who are deprived of normal social contact for
4 extended periods of time. This evidence underscores the dangers isolation creates for
5 human beings in the form of mental pain and suffering and increased tendencies towards
6 self-harm and suicide. This evidence further underscores the psychological importance of
7 meaningful social contact and interaction, and in essence establishes these things as
8 identifiable human needs. Over the long-term, they may be as essential to a person’s
9 psychological well-being as adequate food, clothing, and shelter are to his or her physical
10 well-being.

11

12 **V. The Use of Solitary Confinement in the Arizona Department of Corrections**³⁰

13 41. As I noted above, the adverse psychological effects of solitary confinement
14 are thought to vary as a function of the specific nature and duration of the isolated
15 conditions to which prisoners are exposed. In this regard, there are better and worse
16 isolation or supermax units, including some that seek to ameliorate the harsh conditions
17 that they impose and try minimize the harm that they inflict on prisoners. And, as I also
18 noted, there are more and less resilient prisoners, including some who seem able to
19 withstand the painfulness of these environments and to recover from the experience with
20 few if any lasting effects. But neither of these facts challenges the overall consensus that
21 has emerged on the harmful effects of long-term isolation and the serious risk of such
22 harm that this form of confinement poses for all prisoners who are subjected to it.

23 42. As I noted in my initial summary of my expert opinions, my evaluation of
24 the exact nature and the effects of the conditions of isolation in the Arizona Department of
25 Corrections has just begun. I look forward to conducting onsite inspections of conditions
26 of confinement at a number of specific facilities, interviewing samples of prisoners who

27 _____
28 ³⁰ Exhibits referenced in this declaration are attached to the Declaration of D. Fathi.

1 are confined in them, and reviewing a substantial amount of requested discovery
2 materials.

3 43. However, there are several things that I can say at the outset of this analysis.
4 The first is that what is referred to as “maximum custody” in the Arizona prison system is
5 essentially what is commonly known as isolated, solitary or supermax-type confinement.
6 Conditions of confinement in the isolation units – mandated by statewide policy –include
7 extremely limited out-of cell time. Policy allows for only 6 hours of exercise a week in
8 three two hour blocks which means that prisoners are essentially confined to their cells for
9 23-24 hours per day.³¹ Their “exercise” takes place in specially designed “enclosures”
10 that are constructed of chain link fencing or steel mesh or concrete walls, in which the
11 only “equipment” to which they may be allowed access is a handball.³²

12 44. Prisoners who are housed in the Special Management Unit (SMU) and those
13 who are sentenced to death (which automatically results in their isolated confinement) are
14 denied access to the prison’s educational programming.³³ Indeed, access to any
15 programming or activity of any kind appears extremely limited in these units.³⁴ The stark
16 conditions in isolation are further exacerbated by ADC’s policies that allow for 24 hour
17 illumination in some isolation cells;³⁵ limited property, including lack of access to TVs or
18 radios;³⁶ infrequent, reduced calorie meals;³⁷ and the years and years that many prisoners
19 spend in such conditions.³⁸

20 45. It is my opinion that the conditions of extreme social isolation and enforced
21

22 ³¹ Ex. FFFF, Defendant Ryan’s First Supplemental Answers to Plaintiff Brislan’s First Set
of Request for Admissions (dated 10/17/12), at p. 9-10.

23 ³² Id. at p. 10-12.

24 ³³ Id. at p. 19.

25 ³⁴ Ex. OOO, Dep’t Ord. 809, Earned Incentive Program (Jan. 11, 2011), at ADC014001-
ADC014004.

26 ³⁵ Ex. FFFF, Defendant Ryan’s First Supplemental Answers to Plaintiff Brislan’s First Set
of Request for Admissions (dated 10/17/12), at p. 14-15.

27 ³⁶ Id. at p.15-16.

28 ³⁷ Id. at p. 20-22.

³⁸ Id. at p. 17-18.

1 idleness that were described in the documents that I have reviewed are very similar if not
2 virtually identical to the types of isolation conditions that I have seen and studied in other
3 correctional institutions. Such conditions are harsh and severe and are precisely the kind
4 that create a risk of substantial harm for all the prisoners who are subjected to them.
5 Indeed, ADC's own mental health practitioners appear to be fully aware of the inherent
6 risks and harms of these conditions. The former psychiatrist supervisor at Perryville, Dr.
7 Crews, testified that "a person who doesn't have mental illness being isolated for long
8 periods could develop mental illness or mental illness symptoms from being isolated."³⁹ I
9 agree with Dr. Crews and have witnessed the significant mental damage that isolation
10 often wreaks on prisoners in units like those in ADC.

11 46. A substantial number of ADC prisoners appear to be subjected to these
12 kinds of conditions. Specifically, based on the documents that I have reviewed, I would
13 preliminarily estimate that approximately 3000 prisoners may be housed in units that
14 impose this kind of isolated confinement.⁴⁰ As I noted in passing above, the fact that some
15 minority of these prisoners may be housed with cellmates (i.e., are "double-celled") does
16 not mitigate, and indeed may exacerbate, the psychological impact of their deprived
17 conditions. The kind of forced and strained "interactions" that take place between
18 prisoners who are confined nearly around-the-clock in a small cell hardly constitute
19 meaningful social contact. In fact, under these harsh and deprived conditions, the forced
20 presence of another person may become an additional stressor and source of tension (even
21 conflict) that exacerbates some of the negative reactions brought about by this kind of
22 segregated confinement. Indeed, in my experience, assaults (and sometime lethal
23 violence) between cellmates who are in isolated confinement is a serious problem in many
24 of these units. This is one tragic measure of the way in which double-celling can
25 exacerbate rather than ameliorate the worst aspects of isolated confinement.

26
27 _____
³⁹ Ex. V, Crews Dep. 127:3-12.

28 ⁴⁰ See: <http://www.azcorrections.gov/adc/PDF/count/10222012%20count%20sheet.pdf>

1 47. In addition, the documents that I reviewed indicated that the Arizona
2 Department of Corrections (ADC) has no written policy prohibiting prisoners suffering
3 from what is traditionally referred to as serious mental illness (SMI) in what are
4 traditionally referred to as solitary confinement or supermax-type units. Indeed, it is clear
5 that such prisoners are currently housed in such units within ADC.⁴¹ Moreover, contrary
6 to sound correctional and clinical practice, there is apparently no written policy requiring
7 that a face-to-face mental health evaluation be conducted before placing a prisoner in one
8 of these units.⁴² It also seems apparent from the documents I reviewed that all prisoners
9 who are confined in the ADC isolation units—including those who are identified as
10 severely mentally ill—are subject to inadequate monitoring due to policy shortfalls and
11 chronic mental health understaffing.⁴³ In addition, there is apparently no written ADC
12 policy that provides for ADC mental health staff to take action when the mental health of
13 a severely mentally ill—or any—prisoner deteriorates in isolation unless inpatient care is
14 determined necessary.⁴⁴

15 48. It is further apparent that some of the seriously mentally ill prisoners in
16 these units, including those who are on psychotropic medications, have been subjected to
17 the use of chemical agents, a practice that is apparently permitted by ADC policy.⁴⁵ In my
18 professional opinion, this practice poses a substantial risk of harm. Mentally ill prisoners
19 are prone to deterioration and decompensation under isolated conditions, as I have noted.
20 Their worsening behavior, which often includes acting out and rule infractions, is

21
22 ⁴¹ Ex. FFFF, Defendant Ryan's First Supplemental Answers to Plaintiff Brislan's First Set
23 of Request for Admissions (dated 10/17/12), at p. 2-5; Ex. T, Shaw Dep. 135:21- 137:2;
24 168:5-7; Ex. MMM, MH Levels Statistical Summary, ADC027759-27768; Ex. NNN,
25 Medical and Mental Health Score Inmate Distribution by Complex for FY 2011 at PLT
26 PARSONS-013204.

27 ⁴² Ex. FFFF, Defendant Ryan's First Supplemental Answers to Plaintiff Brislan's First Set
28 of Request for Admissions (dated 10/17/12), at p. 6-7.

⁴³ Ex. T, Shaw Dep. 53:16-54:5; 86:16-88:5; 126:22-127:10; 139:4-143:17.

⁴⁴ Ex. T, Shaw Dep. 148:3-9.

⁴⁵ Ex. FFFF, Defendant Ryan's First Supplemental Answers to Plaintiff Brislan's First Set
of Request for Admissions (dated 10/17/12), at 23-25. Ex. T, Shaw Dep. 130:20-131:10.

1 typically the product of their mental illness and the fact of their improper placement in
2 isolation in the first place. Punishing them in these harsh and potentially dangerous ways
3 for behavior that they cannot control, and that has been exacerbated by the decisions of
4 corrections officials themselves, is singularly inappropriate and can exacerbate mental
5 illness.

6 49. I reviewed the declarations of several named plaintiffs who are now or have
7 previously been confined in the ADC isolation units. These plaintiffs describe symptoms
8 of mental suffering, increased mental illness, suicidal thoughts and acts, and incidents of
9 self-harm, including repeated acts of self-mutilation.⁴⁶ The problems described by the
10 plaintiffs are consistent with the types of symptoms and suffering that I would expect to
11 find in a system with the isolation policies and practices I have noted in ADC.

12 50. Finally, it should be noted that the placement of seriously mentally ill
13 prisoners in isolated confinement is not only harmful to them, but also increases the risks
14 and harmfulness of isolated confinement for other prisoners as well. Out-of-control
15 mentally ill prisoners whose conditions may worsen in isolated confinement may become
16 assaultive to staff and other prisoners, may engage in loud and otherwise noxious behavior
17 (e.g., smearing themselves in feces), and precipitate forceful interventions (e.g., the use of
18 chemical agents) that adversely affect the well-being of everyone in the housing unit.

19 20 **VI. Conclusion**

21 51. As I noted repeatedly above, there is a robust scientific literature that
22 establishes the adverse psychological effects of solitary or isolated confinement and the
23 severe risk of harm to which prisoners in these units are exposed.

24 52. For a variety of previously stated reasons, mentally ill prisoners are
25 especially vulnerable to the painful stressors of isolated confinement and the risk that they

26
27 ⁴⁶ See Ex. R, Declaration of Joshua Polson, at ¶¶ 17-18; Ex. S, Declaration of Christina
28 Verduzco, at ¶¶ 11-14; Ex. F, Declaration of Dustin Brislan, at ¶¶ 8, 11, 15-16; Ex. M,
Declaration of Jackie Thomas, at . ¶¶ 6-8.

1 incur from placement in such units are especially high. Indeed, they are so high as to lead
2 correctional officials and courts across the country to exclude them from being placed
3 there. In my professional opinion all prisoners with a diagnosis of severe mental illness
4 should be categorically excluded from isolation housing, because they face a substantial
5 risk of serious harm in that setting.

6 53. Based on the documents that I have reviewed, the descriptions of the
7 policies, procedures, and conditions that exist in and apply to ADC's isolation units render
8 these units very similar if not identical to the conditions where adverse effects were
9 identified in the scientific literature I identified and the solitary or "supermax" units that
10 exist elsewhere in the country and in which many of these adverse psychological effects
11 have been observed.

12 54. Contrary to sound correctional practice and the weight of psychological and
13 psychiatric opinion, ADC currently houses seriously mentally ill prisoners in its isolation
14 units. ADC's failure to have and implement policy that excludes these prisoners from
15 these units places these prisoners at an unreasonable risk of harm. In addition, as I have
16 noted, conditions of extreme isolation can create enormous harm in even previously
17 healthy individuals. ADC's apparent failure to put in place careful mental health
18 monitoring policies for all prisoners subject to the extremely isolated conditions in their
19 maximum security/isolation units, places all prisoners subject to such conditions at an
20 unreasonable risk of harm. And these harms are extremely serious and sometimes
21 irreversible, including loss of psychological stability, impaired mental functioning, self-
22 mutilation, and even death.

23 55. In my experience working with correctional systems and the federal courts
24 to address these issues in different states across the country, the policies and practices that
25 are now in place in the ADC system that are creating significant risks of harm for
26 prisoners who are subjected to isolated confinement can be effectively addressed through
27 system-wide relief that is ordered by the courts.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 8th day of November 2012 in Santa Cruz, CA.

Craig Haney Ph.D., J.D.

Craig Haney, Ph.D, J.D.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Daniel Pochoda (Bar No. 021979)
Kelly J. Flood (Bar No. 019772)
James Duff Lyall (Bar No. 330045)*
**ACLU FOUNDATION OF
ARIZONA**
3707 North 7th Street, Suite 235
Phoenix, Arizona 85013
Telephone: (602) 650-1854
Email: dpochoda@acluaz.org
kflood@acluaz.org
jlyall@acluaz.org

*Admitted pursuant to Ariz. Sup. Ct. R.
38(f)

Donald Specter (Cal. 83925)*
Alison Hardy (Cal. 135966)*
Sara Norman (Cal. 189536)*
Corene Kendrick (Cal. 226642)*
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710
Telephone: (510) 280-2621
Email: dspecter@prisonlaw.com
ahardy@prisonlaw.com
snorman@prisonlaw.com
ckendrick@prisonlaw.com

*Admitted *pro hac vice*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

David C. Fathi (Wash. 24893)*
Amy Fettig (D.C. 484883)**
**ACLU NATIONAL PRISON
PROJECT**
915 15th Street N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 548-6603
Email: dfathi@npp-aclu.org
afettig@npp-aclu.org

*Admitted *pro hac vice*. Not admitted
in DC; practice limited to federal
courts.
**Admitted *pro hac vice*

Daniel C. Barr (Bar No. 010149)
Jill L. Ripke (Bar No. 024837)
James A. Ahlers (Bar No. 026660)
Kirstin T. Eidenbach (Bar No. 027341)
John H. Gray (Bar No. 028107)
Thomas D. Ryerson (Bar No. 028073)
Matthew B. du Mée (Bar No. 028468)
PERKINS COIE LLP
2901 N. Central Avenue, Suite 2000
Phoenix, Arizona 85012
Telephone: (602) 351-8000
Email: dbarr@perkinscoie.com
rjipke@perkinscoie.com
jahlers@perkinscoie.com
keidenbach@perkinscoie.com
jhgray@perkinscoie.com
tryerson@perkinscoie.com
mdumee@perkinscoie.com

Caroline Mitchell (Cal. 143124)*
David C. Kiernan (Cal. 215335)*
Sophia Calderón (Cal. 278315)*
Sarah Rauh (Cal. 283742)*
JONES DAY
555 California Street, 26th Floor
San Francisco, California 94104
Telephone: (415) 875-5712
Email: cnmitchell@jonesday.com
dkiernan@jonesday.com
scalderon@jonesday.com
srauh@jonesday.com

*Admitted *pro hac vice*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

John Laurens Wilkes (Tex. 24053548)*
Kate A. Suh (Tex. 24075132)*
JONES DAY
717 Texas Street
Houston, Texas 77002
Telephone: (832) 239-3939
Email: jlwilkes@jonesday.com
ksuh@jonesday.com

**Admitted pro hac vice*

Kamilla Mamedova (N.Y. 4661104)*
Jennifer K. Messina (N.Y. 4912440)*
JONES DAY
222 East 41 Street
New York, New York 10017
Telephone: (212) 326-3498
Email: kmamedova@jonesday.com
jkmessina@jonesday.com

**Admitted pro hac vice*

*Attorneys for Plaintiffs Victor Parsons;
Shawn Jensen; Stephen Swartz; Dustin
Brislan; Sonia Rodriguez; Christina
Verduzco; Jackie Thomas; Jeremy Smith;
Robert Gamez; Maryanne Chisholm;
Desiree Licci; Joseph Hefner; Joshua
Polson; and Charlotte Wells, on behalf of
themselves and all others similarly situated*

EXHIBIT 1

CURRICULUM VITAE

Craig William Haney
Professor of Psychology
Department of Psychology
University of California, Santa Cruz 95064

home address: 317 Ocean View Ave.
Santa Cruz, California 95062
phone: (831) 459-2153
fax: (831) 425-3664
email: psylaw@ucsc.edu

PREVIOUS EMPLOYMENT

1985-present	University of California, Santa Cruz, Professor of Psychology
1981-85	University of California, Santa Cruz, Associate Professor of Psychology
1978-81	University of California, Santa Cruz, Assistant Professor of Psychology
1977-78	University of California, Santa Cruz, Lecturer in Psychology
1976-77	Stanford University, Acting Assistant Professor of Psychology

EDUCATION

1978	Stanford Law School, J.D.
1978	Stanford University, Ph.D. (Psychology)
1972	Stanford University, M.A. (Psychology)
1970	University of Pennsylvania, B.A.

HONORS AWARDS GRANTS

- 2012 Appointed to National Academy of Sciences Committee to Study the Causes and Consequences of High Rates of Incarceration in the United States.
- Invited Witness, United States Senate, Judiciary Committee.
- 2011 Edward G. Donnelly Memorial Speaker, University of West Virginia Law School.
- 2009 Nominated as American Psychological Foundation William Bevan Distinguished Lecturer.
- Psi Chi “Best Lecturer” Award (by vote of UCSC undergraduate psychology majors).
- 2006 Herbert Jacobs Prize for Most Outstanding Book published on law and society in 2005 (from the Law & Society Association, for Death by Design).
- Nominated for National Book Award (by American Psychological Association Books, for Reforming Punishment: Psychological Limits to the Pains of Imprisonment).
- “Dream course” instructor in psychology and law, University of Oklahoma.
- 2005 Annual Distinguished Faculty Lecturer, University of California, Santa Cruz.
- Arthur C. Helton Human Rights Award from the American Immigration Lawyers Association (co-recipient).
- Scholar-in-Residence, Center for Social Justice, Boalt Hall School of Law (University of California, Berkeley).
- 2004 “Golden Apple Award” for Distinguished Teaching, awarded by the Social Sciences Division, University of California, Santa Cruz.
- National Science Foundation Grant to Study Capital Jury Decision-making

- 2002 Santa Cruz Alumni Association Distinguished Teaching Award, University of California, Santa Cruz.
- United States Department of Health & Human Services/Urban Institute, "Effects of Incarceration on Children, Families, and Low-Income Communities" Project.
- American Association for the Advancement of Science/American Academy of Forensic Science Project: "Scientific Evidence Summit" Planning Committee.
- Teacher of the Year (UC Santa Cruz Re-Entry Students' Award).
- 2000 Invited Participant White House Forum on the Uses of Science and Technology to Improve National Crime and Prison Policy.
- Excellence in Teaching Award (Academic Senate Committee on Teaching).
- Joint American Association for the Advancement of Science-American Bar Association Science and Technology Section National Conference of Lawyers and Scientists.
- 1999 American Psychology-Law Society Presidential Initiative Invitee ("Reviewing the Discipline: A Bridge to the Future")
- National Science Foundation Grant to Study Capital Jury Decision-making (renewal and extension).
- 1997 National Science Foundation Grant to Study Capital Jury Decision-making.
- 1996 Teacher of the Year (UC Santa Cruz Re-Entry Students' Award).
- 1995 Gordon Allport Intergroup Relations Prize (Honorable Mention)
- Excellence in Teaching Convocation, Social Sciences Division
- 1994 Outstanding Contributions to Preservation of Constitutional Rights, California Attorneys for Criminal Justice.
- 1992 Psychology Undergraduate Student Association Teaching Award
- SR 43 Grant for Policy-Oriented Research With Linguistically Diverse Minorities
- 1991 Alumni Association Teaching Award ("Favorite Professor")

- 1990 Prison Law Office Award for Contributions to Prison Litigation
- 1989 UC Mexus Award for Comparative Research on Mexican Prisons
- 1976 Hilmer Oehlmann Jr. Award for Excellence in Legal Writing at Stanford Law School
- 1975-76 Law and Psychology Fellow, Stanford Law School
- 1974-76 Russell Sage Foundation Residency in Law and Social Science
- 1974 Gordon Allport Intergroup Relations Prize, Honorable Mention
- 1969-71 University Fellow, Stanford University
- 1969-74 Society of Sigma Xi
- 1969 B.A. Degree Magna cum laude with Honors in Psychology
Phi Beta Kappa
- 1967-1969 University Scholar, University of Pennsylvania

UNIVERSITY SERVICE AND ADMINISTRATION

- 2010-present Director, Legal Studies Program
- 2010-present Director, Graduate Program in Social Psychology
- 2009 Chair, Legal Studies Review Committee
- 2004-2006 Chair, Committee on Academic Personnel
- 1998-2002 Chair, Department of Psychology
- 1994-1998 Chair, Department of Sociology
- 1992-1995 Chair, Legal Studies Program
- 1995 (Fall) Committee on Academic Personnel
- 1995-1996 University Committee on Academic Personnel (UCAP)

1990-1992	Committee on Academic Personnel
1991-1992	Chair, Social Science Division Academic Personnel Committee
1984-1986	Chair, Committee on Privilege and Tenure

WRITINGS AND OTHER CREATIVE ACTIVITIES IN PROGRESS

Books:

Context and Criminality: Social History and Circumstance in Crime Causation (working title, in preparation).

Articles:

“The Psychological Foundations of Capital Mitigation: Why Social Historical Factors Are Central to Assessing Culpability,” in preparation.

PUBLISHED WRITINGS AND CREATIVE ACTIVITIES

Books

2006	<u>Reforming Punishment: Psychological Limits to the Pains of Imprisonment</u> , Washington, DC: American Psychological Association Books.
2005	<u>Death by Design: Capital Punishment as a Social Psychological System</u> . New York: Oxford University Press.

Monographs and Technical Reports

1989	<u>Employment Testing and Employment Discrimination</u> (with A. Hurtado). Technical Report for the National Commission on Testing and Public Policy. New York: Ford Foundation.
------	--

Articles in Professional Journals and Book Chapters

- 2012 “Politicizing Crime and Punishment: Redefining ‘Justice’ to Fight the ‘War on Prisoners,’” West Virginia Law Review, 114, 373-414.
- “Prison Effects in the Age of Mass Imprisonment,” Prison Journal, in press.
- “The Pains of Imprisonment: Prisonization and the Psychological Consequences of Incarceration,” in J. Petersilia & K. Reitz (Eds.), Oxford Handbook of Sentencing and Corrections (pp. 584-605). New York: Oxford University Press.
- 2011 “The Perversions of Prison: On the Origins of Hypermasculinity and Sexual Violence in Confinement,” American Criminal Law Review, 48, 121-141. [Reprinted in: S. Ferguson (Ed.), Readings in Race, Gender, Sexuality, and Social Class. Sage Publications (2012).]
- “Mapping the Racial Bias of the White Male Capital Juror: Jury Composition and the ‘Empathic Divide’” (with Mona Lynch), Law and Society Review, 45, 69-102.
- “Getting to the Point: Attempting to Improve Juror Comprehension of Capital Penalty Phase Instructions” (with Amy Smith), Law and Human Behavior, 35, 339-350.
- “Where the Boys Are: Macro and Micro Considerations for the Study of Young Latino Men’s Educational Achievement” (with A. Hurtado & J. Hurtado), in P. Noguera & A. Hurtado (Eds.), Understanding the Disenfranchisement of Latino Males: Contemporary Perspectives on Cultural and Structural Factors (pp. 101-121). New York: Routledge Press.
- “Looking Across the Empathic Divide: Racialized Decision-Making on the Capital Jury” (with Mona Lynch), Michigan State Law Review, 2011, 573-608.
- 2010 “Demonizing the ‘Enemy’: The Role of Science in Declaring the ‘War on Prisoners,’” Connecticut Public Interest Law Review, 9, 139-196.
- “Hiding From the Death Penalty,” Huffington Post, July 26, 2010 [www.huffingtonpost.com/craig-haney/hiding-from-the-death-pen-pen_b_659940.html]; reprinted in Sentencing and Justice Reform Advocate, 2, 3 (February, 2011).

- 2009 “Capital Jury Deliberation: Effects on Death Sentencing, Comprehension, and Discrimination” (with Mona Lynch), Law and Human Behavior, 33, 481-496.
- “The Social Psychology of Isolation: Why Solitary Confinement is Psychologically Harmful,” Prison Service Journal UK (Solitary Confinement Special Issue), Issue 181, 12-20. [Reprinted: California Prison Focus, #36, 1, 14-15 (2011).]
- “The Stanford Prison Experiment,” in John Levine & Michael Hogg (Eds.), Encyclopedia of Group Processes and Intergroup Relations. Thousand Oaks, CA: Sage Publications.
- “Media Criminology and the Death Penalty,” DePaul Law Review, 58, 689-740. (Reprinted: Capital Litigation Update, 2010.)
- “On Mitigation as Counter-Narrative: A Case Study of the Hidden Context of Prison Violence,” University of Missouri-Kansas City Law Review, 77, 911-946.
- “Persistent Dispositionalism in Interactionist Clothing: Fundamental Attribution Error in Explaining Prison Abuse,” (with P. Zimbardo), Personality and Social Psychology Bulletin, 35, 807-814.
- 2008 “Counting Casualties in the War on Prisoners,” University of San Francisco Law Review, 43, 87-138.
- “Evolving Standards of Decency: Advancing the Nature and Logic of Capital Mitigation,” Hofstra Law Review, 36, 835-882.
- “A Culture of Harm: Taming the Dynamics of Cruelty in Supermax Prisons,” Criminal Justice and Behavior, 35, 956-984.
- “The Consequences of Prison Life: Notes on the New Psychology of Prison Effects,” in D. Canter & R. Zukauskienė (Eds.), Psychology and Law: Bridging the Gap (pp. 143-165). Burlington, VT: Ashgate Publishing.
- “The Stanford Prison Experiment,” in J. Bennett & Y. Jewkes (Eds.), Dictionary of Prisons (pp. 278-280). Devon, UK: Willan Publishers.
- “Capital Mitigation,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 60-63). Volume I. Thousand Oaks, CA: Sage Publications.

Death Qualification of Juries,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 190-192). Volume I. Thousand Oaks, CA: Sage Publications.

“Stanford Prison Experiment,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 756-757) (with P. Zimbardo). Volume II. Thousand Oaks, CA: Sage Publications.

“Supermax Prisons,” in Brian Cutler (Ed.), The Encyclopedia of Psychology and the Law (pp. 787-790). Volume II. Thousand Oaks, CA: Sage Publications.

- 2006 “The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions,” Washington University Journal of Law & Policy, 22, 265-293. [Reprinted in: N. Berlatsky, Opposing Viewpoints: America’s Prisons. Florence, KY: Cengage Learning, 2010.]
- “Exonerations and Wrongful Condemnations: Expanding the Zone of Perceived Injustice in Capital Cases,” Golden Gate Law Review, 37, 131-173.
- “Preface,” D. Jones (Ed.), Humane Prisons. San Francisco, CA: Radcliffe Medical Press.
- 2005 “The Contextual Revolution in Psychology and the Question of Prison Effects,” in Alison Liebling and Shadd Maruna (Eds.), The Effects of Imprisonment (pp. 66-93). Devon, UK: Willan Publishing.
- “Achieving Educational Equity: Beyond Individual Measures of Merit,” (with A. Hurtado), Harvard Journal of Hispanic Policy, 17, 87-92.
- “Conditions of Confinement for Detained Asylum Seekers Subject to Expedited Removal,” in M. Hetfield (Ed.), Report on Asylum Seekers in Expedited Removal. Volume II: Expert Reports. Washington, DC: United States Commission on International Religious Freedom.
- 2004 “Special Issue on the Death Penalty in the United States” (co-edited with R. Weiner), Psychology, Public Policy, and Law, 10, 374-621.

“Death Is Different: An Editorial Introduction” (with R. Wiener), Psychology, Public Policy, and Law, 10, 374-378.

“The Death Penalty in the United States: A Crisis of Conscience” (with R. Wiener), Psychology, Public Policy, and Law, 10, 618-621.

“Condemning the Other in Death Penalty Trials: Biographical Racism, Structural Mitigation, and the Empathic Divide,” DePaul Law Review, 53, 1557-1590.

“Capital Constructions: Newspaper Reporting in Death Penalty Cases” (with S. Greene), Analyses of Social Issues and Public Policy (ASAP), 4, 1-22.

“Abu Ghraib and the American Prison System,” The Commonwealth, 98 (#16), 40-42.

“Disciplinary Segregation,” in Mary Bosworth (Ed.), Encyclopedia of U.S. Prisons and Correctional Facilities (240-244). Volume 1. Thousand Oaks, CA: Sage Publications.

“Super-Maximum Secure Prisons,” in Mary Bosworth (Ed.), Encyclopedia of U.S. Prisons and Correctional Facilities (pp. 938-944). Volume 2. Thousand Oaks, CA: Sage Publications.

2003 “Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement,” Crime & Delinquency (special issue on mental health and the criminal justice system), 49, 124-156. [Reprinted in: Roesch, R., & Gagnon, N. (Eds.), Psychology and Law: Criminal and Civil Perspectives. Hampshire, UK: Ashgate (2007).]

“The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment,” in Travis, J., & Waul, M. (Eds.), Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities (pp. 33-66). Washington, DC: Urban Institute Press.

“Comments on “Dying Twice”: Death Row Confinement in the Age of the Supermax,” Capital University Law Review, in press.

2002 “Making Law Modern: Toward a Contextual Model of Justice,” Psychology, Public Policy, and Law, 7, 3-63.

“Psychological Jurisprudence: Taking Psychology and Law into the Twenty-First Century,” (with John Darley, Sol Fulero, and Tom

Tyler), in J. Ogloff (Ed.), Taking Psychology and Law into the Twenty-First Century (pp. 35-59). New York: Kluwer Academic/Plenum Publishing.

“Science, Law, and Psychological Injury: The Daubert Standards and Beyond,” (with Amy Smith), in Schultz, I., Brady, D., and Carella, S., The Handbook of Psychological Injury (pp. 184-201). Chicago, IL: American Bar Association. [CD-ROM format]

2001 “Vulnerable Offenders and the Law: Treatment Rights in Uncertain Legal Times” (with D. Specter). In J. Ashford, B. Sales, & W. Reid (Eds.), Treating Adult and Juvenile Offenders with Special Needs (pp. 51-79). Washington, D.C.: American Psychological Association.

“Afterword,” in J. Evans (Ed.), Undoing Time (pp. 245-256). Boston, MA: Northeastern University Press.

2000 “Discrimination and Instructional Comprehension: Guided Discretion, Racial Bias, and the Death Penalty” (with M. Lynch), Law and Human Behavior, 24, 337-358.

“Cycles of Pain: Risk Factors in the Lives of Incarcerated Women and Their Children,” (with S. Greene and A. Hurtado), Prison Journal, 80, 3-23.

1999 “Reflections on the Stanford Prison Experiment: Genesis, Transformations, Consequences (‘The SPE and the Analysis of Institutions’),” In Thomas Blass (Ed.), Obedience to Authority: Current Perspectives on the Milgram Paradigm (pp. 221-237). Hillsdale, NJ: Erlbaum.

“Ideology and Crime Control,” American Psychologist, 54, 786-788.

1998 “The Past and Future of U.S. Prison Policy: Twenty-Five Years After the Stanford Prison Experiment,” (with P. Zimbardo), American Psychologist, 53, 709-727. [Reprinted in special issue of Norwegian journal as: USAs fengselspolitikk i fortid og fremtid, Vardoger, 25, 171-183 (2000); in H. Tischler (Ed.), Debating Points: Crime and Punishment. Englewood Cliffs, NJ: Prentice-Hall (2001); Annual Editions: Criminal Justice. Guilford, CT: Dushkin/McGraw-Hill, in press; Herman, Peter (Ed.), The American Prison System (pp. 17-43) (Reference Shelf Series). New York: H.W. Wilson (2001); and in Edward Latessa & Alexander Holsinger (Eds.), Correctional

Contexts: Contemporary and Classical Readings. Fourth Edition. Oxford University Press (2010).]

“Riding the Punishment Wave: On the Origins of Our Devolving Standards of Decency,” Hastings Women’s Law Journal, 9, 27-78.

“Becoming the Mainstream: “Merit,” Changing Demographics, and Higher Education in California” (with A. Hurtado and E. Garcia), La Raza Law Journal, 10, 645-690.

1997 “Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement,” (with M. Lynch), New York University Review of Law and Social Change, 23, 477-570.

“Psychology and the Limits to Prison Pain: Confronting the Coming Crisis in Eighth Amendment Law,” Psychology, Public Policy, and Law, 3, 499-588.

“Commonsense Justice and the Death Penalty: Problematizing the ‘Will of the People,’” Psychology, Public Policy, and Law, 3, 303-337.

“Violence and the Capital Jury: Mechanisms of Moral Disengagement and the Impulse to Condemn to Death,” Stanford Law Review, 49, 1447-1486.

“Mitigation and the Study of Lives: The Roots of Violent Criminality and the Nature of Capital Justice.” In James Acker, Robert Bohm, and Charles Lanier, America’s Experiment with Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction. Durham, NC: Carolina Academic Press, 343-377.

“Clarifying Life and Death Matters: An Analysis of Instructional Comprehension and Penalty Phase Arguments” (with M. Lynch), Law and Human Behavior, 21, 575-595.

“Psychological Secrecy and the Death Penalty: Observations on ‘the Mere Extinguishment of Life,’” Studies in Law, Politics, and Society, 16, 3-69.

1995 “The Social Context of Capital Murder: Social Histories and the Logic of Capital Mitigation,” Santa Clara Law Review, 35, 547-609. [Reprinted in part in David Papke (Ed.), Law and Popular Culture, Lexis/Nexis Publications, 2011].

“Taking Capital Jurors Seriously,” Indiana Law Journal, 70, 1223-1232.

“Death Penalty Opinion: Myth and Misconception,” California Criminal Defense Practice Reporter, 1995(1), 1-7.

1994 “The Jurisprudence of Race and Meritocracy: Standardized Testing and ‘Race-Neutral’ Racism in the Workplace,” (with A. Hurtado), Law and Human Behavior, 18, 223-248.

“Comprehending Life and Death Matters: A Preliminary Study of California’s Capital Penalty Instructions” (with M. Lynch), Law and Human Behavior, 18, 411-434.

“Felony Voir Dire: An Exploratory Study of Its Content and Effect,” (with C. Johnson), Law and Human Behavior, 18, 487-506.

“Broken Promise: The Supreme Court’s Response to Social Science Research on Capital Punishment” (with D. Logan), Journal of Social Issues (special issue on the death penalty in the United States), 50, 75-101.

“Deciding to Take a Life: Capital Juries, Sentencing Instructions, and the Jurisprudence of Death” (with L. Sontag and S. Costanzo), Journal of Social Issues (special issue on the death penalty in the United States), 50, 149-176. [Reprinted in Koosed, M. (Ed.), Capital Punishment. New York: Garland Publishing (1995).]

“Modern’ Death Qualification: New Data on Its Biasing Effects,” (with A. Hurtado and L. Vega), Law and Human Behavior, 18, 619-633.

“Processing the Mad, Badly,” Contemporary Psychology, 39, 898-899.

“Language is Power,” Contemporary Psychology, 39, 1039-1040.

1993 “Infamous Punishment: The Psychological Effects of Isolation,” National Prison Project Journal, 8, 3-21. [Reprinted in Marquart, James & Sorensen, Jonathan (Eds.), Correctional Contexts: Contemporary and Classical Readings (pp. 428-437). Los Angeles: Roxbury Publishing (1997); Alarid, Leanne & Cromwell, Paul (Eds.), Correctional Perspectives: Views from Academics, Practitioners,

and Prisoners (pp. 161-170). Los Angeles: Roxbury Publishing (2001).]

“Psychology and Legal Change: The Impact of a Decade,” Law and Human Behavior, 17, 371-398. [Reprinted in: Roesch, R., & Gagnon, N. (Eds.), Psychology and Law: Criminal and Civil Perspectives. Hampshire, UK: Ashgate (2007).]

- 1992 “Death Penalty Attitudes: The Beliefs of Death-Qualified Californians,” (with A. Hurtado and L. Vega). Forum, 19, 43-47.
- “The Influence of Race on Sentencing: A Meta-Analytic Review of Experimental Studies.” (with L. Sweeney). Special issue on Discrimination and the Law. Behavioral Science and Law, 10, 179-195.
- 1991 “The Fourteenth Amendment and Symbolic Legality: Let Them Eat Due Process,” Law and Human Behavior, 15, 183-204.
- 1988 “In Defense of the Jury,” Contemporary Psychology, 33, 653-655.
- 1986 “Civil Rights and Institutional Law: The Role of Social Psychology in Judicial Implementation,” (with T. Pettigrew), Journal of Community Psychology, 14, 267-277.
- 1984 “Editor’s Introduction. Special Issue on Death Qualification,” Law and Human Behavior, 8, 1-6.
- “On the Selection of Capital Juries: The Biasing Effects of Death Qualification,” Law and Human Behavior, 8, 121-132.
- “Examining Death Qualification: Further Analysis of the Process Effect,” Law and Human Behavior, 8, 133-151.
- “Evolving Standards and the Capital Jury,” Law and Human Behavior, 8, 153-158.
- “Postscript,” Law and Human Behavior, 8, 159.
- “Social Factfinding and Legal Decisions: Judicial Reform and the Use of Social Science.” In Muller, D., Blackman, D., and Chapman,

- A. (Eds.), Perspectives in Psychology and Law. New York: John Wiley, pp. 43-54.
- 1983 “The Future of Crime and Personality Research: A Social Psychologist’s View,” in Laufer, W. and Day, J. (Eds.), Personality Theory, Moral Development, and Criminal Behavioral Behavior. Lexington, Mass.: Lexington Books, pp. 471-473.
- “The Good, the Bad, and the Lawful: An Essay on Psychological Injustice,” in Laufer, W. and Day, J. (Eds.), Personality Theory, Moral Development, and Criminal Behavior. Lexington, Mass.: Lexington Books, pp. 107-117.
- “Ordering the Courtroom, Psychologically,” Jurimetrics, 23, 321-324.
- 1982 “Psychological Theory and Criminal Justice Policy: Law and Psychology in the ‘Formative Era,’” Law and Human Behavior, 6, 191-235. [Reprinted in Presser, S. and Zainaldin, J. (Eds.), Law and American History: Cases and Materials. Minneapolis, MN: West Publishing, 1989; and in C. Kubrin, T. Stucky & A. Tynes (Eds.) Introduction to Criminal Justice: A Sociological Perspective. Palo Alto, CA: Stanford University Press (2012).]
- “Data and Decisions: Social Science and Judicial Reform,” in P. DuBois (Ed.), The Analysis of Judicial Reform. Lexington, Mass.: D.C. Heath, pp. 43-59.
- “Employment Tests and Employment Discrimination: A Dissenting Psychological Opinion,” Industrial Relations Law Journal, 5, pp. 1-86.
- “To Polygraph or Not: The Effects of Preemployment Polygraphing on Work-Related Attitudes,” (with L. White and M. Lopez), Polygraph, 11, 185-199.
- 1981 “Death Qualification as a Biasing Legal Process,” The Death Penalty Reporter, 1 (10), pp. 1-5. [Reprinted in Augustus: A Journal of Progressive Human Sciences, 9(3), 9-13 (1986).]
- 1980 “Juries and the Death Penalty: Readdressing the Witherspoon Question,” Crime and Delinquency, October, pp. 512-527.

“Psychology and Legal Change: On the Limits of a Factual Jurisprudence,” Law and Human Behavior, 6, 191-235. [Reprinted in Loh, Wallace (Ed.), Social Research and the Judicial Process. New York: Russell Sage, 1983.]

“The Creation of Legal Dependency: Law School in a Nutshell” (with M. Lowy), in R. Warner (Ed.), The People’s Law Review. Reading, Mass.: Addison-Wesley, pp. 36-41.

“Television Criminology: Network Illusions of Criminal Justice Realities” (with J. Manzolati), in E. Aronson (Ed.), Readings on the Social Animal. San Francisco, W.H. Freeman, pp. 125-136.

1979 “A Psychologist Looks at the Criminal Justice System,” in A. Calvin (Ed.), Challenges and Alternatives to the Criminal Justice System. Ann Arbor: Monograph Press, pp. 77-85.

“Social Psychology and the Criminal Law,” in P. Middlebrook (Ed.), Social Psychology and Modern Life. New York: Random House, pp. 671-711.

“Bargain Justice in an Unjust World: Good Deals in the Criminal Courts” (with M. Lowy), Law and Society Review, 13, pp. 633-650. [Reprinted in Kadish, Sanford and Paulsen, Robert (Eds.), Criminal Law and Its Processes. Boston: Little, Brown, 1983.]

1977 “Prison Behavior” (with P. Zimbardo), in B. Wolman (Ed.), The Encyclopedia of Neurology, Psychiatry, Psychoanalysis, and Psychology, Vol. IX, pp. 70-74.

“The Socialization into Criminality: On Becoming a Prisoner and a Guard” (with P. Zimbardo), in J. Tapp and F. Levine (Eds.), Law, Justice, and the Individual in Society: Psychological and Legal Issues (pp. 198-223). New York: Holt, Rinehart, and Winston.

1976 “The Play’s the Thing: Methodological Notes on Social Simulations,” in P. Golden (Ed.), The Research Experience, pp. 177-190. Itasca, IL: Peacock.

1975 “The Blackboard Penitentiary: It’s Tough to Tell a High School from a Prison” (with P. Zimbardo). Psychology Today, 26ff.

“Implementing Research Results in Criminal Justice Settings,”

Proceedings, Third Annual Conference on Corrections in the U.S. Military, Center for Advanced Study in the Behavioral Sciences, June 6-7.

“The Psychology of Imprisonment: Privation, Power, and Pathology” (with P. Zimbardo, C. Banks, and D. Jaffe), in D. Rosenhan and P. London (Eds.), Theory and Research in Abnormal Psychology. New York: Holt Rinehart, and Winston. [Reprinted in: Rubin, Z. (Ed.), Doing Unto Others: Joining, Molding, Conforming, Helping, Loving. Englewood Cliffs: Prentice-Hall, 1974. Brigham, John, and Wrightsman, Lawrence (Eds.) Contemporary Issues in Social Psychology. Third Edition. Monterey: Brooks/Cole, 1977. Calhoun, James Readings, Cases, and Study Guide for Psychology of Adjustment and Human Relationships. New York: Random House, 1978.]

1973

“Social Roles, Role-Playing, and Education” (with P. Zimbardo), The Behavioral and Social Science Teacher, Fall, 1(1), pp. 24-45. [Reprinted in: Zimbardo, P., and Maslach, C. (Eds.) Psychology For Our Times. Glenview, Ill.: Scott, Foresman, 1977. Hollander, E. and Hunt, R. (Eds.) Current Perspectives in Social Psychology. Third Edition. New York: Oxford University Press, 1978.]

“The Mind is a Formidable Jailer: A Pirandellian Prison” (with P. Zimbardo, C. Banks, and D. Jaffe), The New York Times Magazine, April 8, Section 6, 38-60. [Reprinted in Krupat, E. (Ed.), Psychology Is Social: Readings and Conversations in Social Psychology. Glenview, Ill.: Scott, Foresman, 1982.]

“Interpersonal Dynamics in a Simulated Prison” (with C. Banks and P. Zimbardo), International Journal of Criminology and Penology, 1, pp. 69-97. [Reprinted in: Steffensmeier, Darrell, and Terry, Robert (Eds.) Examining Deviance Experimentally. New York: Alfred Publishing, 1975; Golden, P. (Ed.) The Research Experience. Itasca, Ill.: Peacock, 1976; Leger, Robert (Ed.) The Sociology of Corrections. New York: John Wiley, 1977; A kiserleti tarsadalom-lelektan foarma. Budapest, Hungary: Gondolat Konyvkiado, 1977; Johnston, Norman, and Savitz, L. Justice and Corrections. New York: John Wiley, 1978; Research Methods in Education and Social Sciences. The Open University, 1979; Goldstein, J. (Ed.), Modern Sociology. British Columbia: Open Learning Institute, 1980; Ross, Robert R. (Ed.), Prison Guard/ Correctional Officer: The Use and Abuse of Human Resources of Prison. Toronto: Butterworth’s 1981; Monahan, John, and Walker, Laurens (Eds.), Social Science in Law: Cases, Materials, and Problems. Foundation Press, 1985; Siuta, Jerzy (Ed.), The Context of Human Behavior. Jagiellonian

University Press, 2001; Ferguson, Susan (Ed.), Mapping the Social Landscape: Readings in Sociology. St. Enumclaw, WA: Mayfield Publishing, 2001 & 2010; Pethes, Nicolas (Ed.), Menschenversuche (Experiments with Humans). Frankfurt, Germany: Suhrkamp Verlag, 2006.]

“A Study of Prisoners and Guards” (with C. Banks and P. Zimbardo). Naval Research Reviews, 1-17. [Reprinted in Aronson, E. (Ed.) Readings About the Social Animal. San Francisco: W.H. Freeman, 1980; Gross, R. (Ed.) Key Studies in Psychology. Third Edition. London: Hodder & Stoughton, 1999; Collier, C. (Ed.), Basic Themes in Law and Jurisprudence. Anderson Publishing, 2000.]

MEMBERSHIP/ACTIVITIES IN PROFESSIONAL ASSOCIATIONS

American Psychological Association

American Psychology and Law Society

Law and Society Association

National Council on Crime and Delinquency

INVITED ADDRESSES AND PAPERS PRESENTED AT PROFESSIONAL ACADEMIC MEETINGS AND RELATED SETTINGS (SELECTED)

- 2012 “The Psychological Consequences of Long-term Solitary Confinement,” Joint Yale/Columbia Law School Conference on Incarceration and Isolation, New York, April.
- 2011 “Tensions Between Psychology and the Criminal Justice System: On the Persistence of Injustice,” opening presentation, “A Critical Eye on Criminal Justice” lecture series, Golden Gate University Law School, San Francisco, CA, January.
- “The Decline in Death Penalty Verdicts and Executions: The Death of Capital Punishment?” Presentation at “A Legacy of Justice” week, at the University of California, Davis King Hall Law School, Davis, CA, January.

“Invited Keynote Address: The Nature and Consequences of Prison Overcrowding—Urgency and Implications,” West Virginia School of Law, Morgantown, West Virginia, March.

“Symposium: The Stanford Prison Experiment—Enduring Lessons 40 Years Later,” American Psychological Association Annual Convention, Washington, DC, August.

“The Dangerous Overuse of Solitary Confinement: Pervasive Human Rights Violations in Prisons, Jails, and Other Places of Detention” Panel, United Nations, New York, New York, October.

“Criminal Justice Reform: Issues and Recommendation,” United States Congress, Washington, DC, November.

2010 “The Hardening of Prison Conditions,” Opening Address, “The Imprisoned” Arthur Liman Colloquium Public Interest Series, Yale Law School, New Haven, CN, March.

“Desensitization to Inhumane Treatment: The Pitfalls of Prison Work,” panel presentation at “The Imprisoned” Arthur Liman Colloquium Public Interest Series, Yale Law School, New Haven, CN, March.

“Mental Ill Health in Immigration Detention,” Department of Homeland Security/DOJ Office for Civil Rights and Civil Liberties, Washington, DC, September.

2009 “Counting Casualties in the War on Prisoners,” Keynote Address, at “The Road to Prison Reform: Treating the Causes and Conditions of Our Overburdened System,” University of Connecticut Law School, Hartford, CN, February.

“Defining the Problem in California’s Prison Crisis: Overcrowding and Its Consequences,” California Correctional Crisis Conference,” Hastings Law School, San Francisco, CA, March.

2008 “Prisonization and Contemporary Conditions of Confinement,” Keynote Address, Women Defenders Association, Boalt Law School, University of California, November.

“Media Criminology and the Empathic Divide: The Continuing

Significance of Race in Capital Trials,” Invited Address, Media, Race, and the Death Penalty Conference, DePaul University School of Law, Chicago, IL, March.

“The State of the Prisons in California,” Invited Opening Address, Confronting the Crisis: Current State Initiatives and Lasting Solutions for California’s Prison Conditions Conference, University of San Francisco School of Law, San Francisco, CA, March.

“Mass Incarceration and Its Effects on American Society,” Invited Opening Address, Behind the Walls Prison Law Symposium, University of California Davis School of Law, Davis, CA, March.

2007 “The Psychology of Imprisonment: How Prison Conditions Affect Prisoners and Correctional Officers,” United States Department of Justice, National Institute of Corrections Management Training for “Correctional Excellence” Course, Denver, CO, May.

“Statement on Psychologists, Detention, and Torture,” Invited Address, American Psychological Association Annual Convention, San Francisco, CA, August.

“Prisoners of Isolation,” Invited Address, University of Indiana Law School, Indianapolis, IN, October.

“Mitigation in Three Strikes Cases,” Stanford Law School, Palo Alto, CA, September.

“The Psychology of Imprisonment,” Occidental College, Los Angeles, CA, November.

2006 “Mitigation and Social Histories in Death Penalty Cases,” Ninth Circuit Federal Capital Case Committee, Seattle, WA, May.

“The Crisis in the Prisons: Using Psychology to Understand and Improve Prison Conditions,” Invited Keynote Address, Psi Chi (Undergraduate Psychology Honor Society) Research Conference, San Francisco, CA, May.

“Exoneration and ‘Wrongful Condemnation’: Why Juries Sentence to Death When Life is the Proper Verdict,” Faces of Innocence Conference, UCLA Law School, April.

“The Continuing Effects of Imprisonment: Implications for Families and Communities,” Research and Practice Symposium on

Incarceration and Marriage, United States Department of Health and Human Services, Washington, DC, April.

“Ordinary People, Extraordinary Acts,” National Guantanamo Teach In, Seton Hall School of Law, Newark, NJ, October.

“The Next Generation of Death Penalty Research,” Invited Address, State University of New York, School of Criminal Justice, Albany, NY, October.

2005 “The ‘Design’ of the System of Death Sentencing: Systemic Forms of ‘Moral Disengagement in the Administration of Capital Punishment, Scholar-in-Residence, invited address, Center for Social Justice, Boalt Hall School of Law (Berkeley), March.

“Humane Treatment for Asylum Seekers in U.S. Detention Centers, United States House of Representatives, Washington, DC, March.

“Prisonworld: What Overincarceration Has Done to Prisoners and the Rest of Us,” Scholar-in-Residence, invited address, Center for Social Justice, Boalt Hall School of Law (Berkeley), March.

“Prison Conditions and Their Psychological Effects on Prisoners,” European Association for Psychology and Law, Vilnius, Lithuania, July.

2004 “Recognizing the Adverse Psychological Effects of Incarceration, With Special Attention to Solitary-Type Confinement and Other Forms of ‘Ill-Treatment’ in Detention,” International Committee of the Red Cross, Training Program for Detention Monitors, Geneva, Switzerland, November.

“Prison Conditions in Post-“War on Crime” Era: Coming to Terms with the Continuing Pains of Imprisonment,” Boalt Law School Conference, After the War on Crime: Race, Democracy, and a New Reconstruction, Berkeley, CA, October.

“Cruel and Unusual? The United States Prison System at the Start of the 21st Century,” Invited speaker, Siebel Scholars Convocation, University of Illinois, Urbana, IL, October.

“The Social Historical Roots of Violence: Introducing Life Narratives into Capital Sentencing Procedures,” Invited Symposium, XXVIII International Congress of Psychology, Beijing, China, August.

“Death by Design: Capital Punishment as a Social Psychological System,” Division 41 (Psychology and Law) Invited Address, American Psychological Association Annual Convention, Honolulu, HI, July.

“The Psychology of Imprisonment and the Lessons of Abu Ghraib,” Commonwealth Club Public Interest Lecture Series, San Francisco, May.

“Restructuring Prisons and Restructuring Prison Reform,” Yale Law School Conference on the Current Status of Prison Litigation in the United States, New Haven, CN, May.

“The Effects of Prison Conditions on Prisoners and Guards: Using Psychological Theory and Data to Understand Prison Behavior,” United States Department of Justice, National Institute of Corrections Management Training Course, Denver, CO, May.

“The Contextual Revolution in Psychology and the Question of Prison Effects: What We Know about How Prison Affects Prisoners and Guards,” Cambridge University, Cambridge, England, April.

“Death Penalty Attitudes, Death Qualification, and Juror Instructional Comprehension,” American Psychology-Law Society, Annual Conference, Scottsdale, AZ, March.

2003 “Crossing the Empathic Divide: Race Factors in Death Penalty Decisionmaking,” DePaul Law School Symposium on Race and the Death Penalty in the United States, Chicago, October.

“Supermax Prisons and the Prison Reform Paradigm,” PACE Law School Conference on Prison Reform Revisited: The Unfinished Agenda, New York, October.

“Mental Health Issues in Supermax Confinement,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Roundtable on Capital Punishment in the United States: The Key Psychological Issues,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Psychology and Legal Change: Taking Stock,” European Psychology and Law Conference, University of Edinburgh, Scotland, July.

“Economic Justice and Criminal Justice: Social Welfare and Social Control,” Society for the Study of Social Issues Conference, January.

“Race, Gender, and Class Issues in the Criminal Justice System,” Center for Justice, Tolerance & Community and Barrios Unidos Conference, March.

2002 “The Psychological Effects of Imprisonment: Prisonization and Beyond.” Joint Urban Institute and United States Department of Health and Human Services Conference on “From Prison to Home.” Washington, DC, January.

“On the Nature of Mitigation: Current Research on Capital Jury Decisionmaking.” American Psychology and Law Society, Mid-Winter Meetings, Austin, Texas, March.

“Prison Conditions and Death Row Confinement.” New York Bar Association, New York City, June.

2001 “Supermax and Solitary Confinement: The State of the Research and the State of the Prisons.” Best Practices and Human Rights in Supermax Prisons: A Dialogue. Conference sponsored by University of Washington and the Washington Department of Corrections, Seattle, September.

“Mental Health in Supermax: On Psychological Distress and Institutional Care.” Best Practices and Human Rights in Supermax Prisons: A Dialogue. Conference sponsored by University of Washington and the Washington Department of Corrections, Seattle, September.

“On the Nature of Mitigation: Research Results and Trial Process and Outcomes.” Boalt Hall School of Law, University of California, Berkeley, August.

“Toward an Integrated Theory of Mitigation.” American Psychological Association Annual Convention, San Francisco, CA, August.

Discussant: “Constructing Class Identities—The Impact of Educational Experiences.” American Psychological Association Annual Convention, San Francisco, CA, August.

“The Rise of Carceral Consciousness.” American Psychological Association Annual Convention, San Francisco, CA, August.

2000

“On the Nature of Mitigation: Countering Generic Myths in Death Penalty Decisionmaking,” City University of New York Second International Advances in Qualitative Psychology Conference, March.

“Why Has U.S. Prison Policy Gone From Bad to Worse? Insights From the Stanford Prison Study and Beyond,” Claremont Conference on Women, Prisons, and Criminal Injustice, March.

“The Use of Social Histories in Capital Litigation,” Yale Law School, April.

“Debunking Myths About Capital Violence,” Georgetown Law School, April.

“Research on Capital Jury Decisionmaking: New Data on Juror Comprehension and the Nature of Mitigation,” Society for Study of Social Issues Convention, Minneapolis, June.

“Crime and Punishment: Where Do We Go From Here?” Division 41 Invited Symposium, “Beyond the Boundaries: Where Should Psychology and Law Be Taking Us?” American Psychological Association Annual Convention, Washington, DC, August.

1999

“Psychology and the State of U.S. Prisons at the Millennium,” American Psychological Association Annual Convention, Boston, MA, August.

“Spreading Prison Pain: On the Worldwide Movement Towards Incarcerative Social Control,” Joint American Psychology-Law Society/European Association of Psychology and Law Conference, Dublin, Ireland, July.

1998

“Prison Conditions and Prisoner Mental Health,” Beyond the Prison Industrial Complex Conference, University of California, Berkeley, September.

“The State of US Prisons: A Conversation,” International Congress of Applied Psychology, San Francisco, CA, August.

“Deathwork: Capital Punishment as a Social Psychological System,” Invited SPPSI Address, American Psychological Association Annual Convention, San Francisco, CA, August.

“The Use and Misuse of Psychology in Justice Studies: Psychology and Legal Change: What Happened to Justice?,” (panelist), American Psychological Association Annual Convention, San Francisco, CA, August.

“Twenty Five Years of American Corrections: Past and Future,” American Psychology and Law Society, Redondo Beach, CA, March.

- 1997 “Deconstructing the Death Penalty,” School of Justice Studies, Arizona State University, Tempe, AZ, October.
- “Mitigation and the Study of Lives,” Invited Address to Division 41 (Psychology and Law), American Psychological Association Annual Convention, Chicago, August.
- 1996 “The Stanford Prison Experiment and 25 Years of American Prison Policy,” American Psychological Association Annual Convention, Toronto, August.
- 1995 “Looking Closely at the Death Penalty: Public Stereotypes and Capital Punishment,” Invited Address, Arizona State University College of Public Programs series on Free Speech, Affirmative Action and Multiculturalism, Tempe, AZ, April.
- “Race and the Flaws of the Meritocratic Vision,” Invited Address, Arizona State University College of Public Programs series on Free Speech, Affirmative Action and Multiculturalism, Tempe, AZ, April.
- “Taking Capital Jurors Seriously,” Invited Address, National Conference on Juries and the Death Penalty, Indiana Law School, Bloomington, February.
- 1994 “Mitigation and the Social Genetics of Violence: Childhood Treatment and Adult Criminality,” Invited Address, Conference on the Capital Punishment, Santa Clara Law School, October, Santa Clara.

- 1992 “Social Science and the Death Penalty,” Chair and Discussant, American Psychological Association Annual Convention, San Francisco, CA, August.
- 1991 “Capital Jury Decisionmaking,” Invited panelist, American Psychological Association Annual Convention, Atlanta, GA, August.
- 1990 “Racial Discrimination in Death Penalty Cases,” Invited presentation, NAACP Legal Defense Fund Conference on Capital Litigation, August, Airlie, VA.
- 1989 “Psychology and Legal Change: The Impact of a Decade,” Invited Address to Division 41 (Psychology and Law), American Psychological Association Annual Convention, New Orleans, LA., August.
- “Judicial Remedies to Pretrial Prejudice,” Law & Society Association Annual Meeting, Madison, WI, June.
- “The Social Psychology of Police Interrogation Techniques” (with R. Liebowitz), Law & Society Association Annual Meeting, Madison, WI, June.
- 1987 “The Fourteenth Amendment and Symbolic Legality: Let Them Eat Due Process,” APA Annual Convention, New York, N.Y. August.
- “The Nature and Function of Prison in the United States and Mexico: A Preliminary Comparison,” InterAmerican Congress of Psychology, Havana, Cuba, July.
- 1986 Chair, Division 41 Invited Address and “Commentary on the Execution Ritual,” APA Annual Convention, Washington, D.C., August.
- “Capital Punishment,” Invited Address, National Association of Criminal Defense Lawyers Annual Convention, Monterey, CA, August.
- 1985 “The Role of Law in Graduate Social Science Programs” and “Current Directions in Death Qualification Research,” American Society of Criminology, San Diego, CA, November.

- “The State of the Prisons: What’s Happened to ‘Justice’ in the ‘70s and ‘80s?” Invited Address to Division 41 (Psychology and Law); APA Annual Convention, Los Angeles, CA, August.
- 1983 “The Role of Social Science in Death Penalty Litigation.” Invited Address in National College of Criminal Defense Death Penalty Conference, Indianapolis, IN, September.
- 1982 “Psychology in the Court: Social Science Data and Legal Decision-Making.” Invited Plenary Address, International Conference on Psychology and Law, University College, Swansea, Wales, July.
- 1982 “Paradigms in Conflict: Contrasting Methods and Styles of Psychology and Law.” Invited Address, Social Science Research Council, Conference on Psychology and Law, Wolfson College, Oxford University, March.
- 1982 “Law and Psychology: Conflicts in Professional Roles.” Invited paper, Western Psychological Association Annual Meeting, April.
- 1980 “Using Psychology in Test Case Litigation,” panelist, American Psychological Association Annual Convention, Montreal, Canada, September.
- “On the Selection of Capital Juries: The Biasing Effects of Death Qualification.” Paper presented at the Interdisciplinary Conference on Capital Punishment. Georgia State University, Atlanta, GA, April.
- “Diminished Capacity and Imprisonment: The Legal and Psychological Issues,” Proceedings of the American Trial Lawyers Association, Mid-Winter Meeting, January.
- 1975 “Social Change and the Ideology of Individualism in Psychology and Law.” Paper presented at the Western Psychological Association Annual Meeting, April.

SERVICE TO STAFF OR EDITORIAL BOARDS OF FOUNDATIONS, SCHOLARLY JOURNALS OR PRESSES

- 2011-present Editorial Consultant, Social Psychological and Personality Science.
- 2008-present Editorial Consultant, New England Journal of Medicine.
- 2007-present Editorial Board Member, Correctional Mental Health Reporter.
- 2007-present Editorial Board Member, Journal of Offender Behavior and Rehabilitation.
- 2004-present Editorial Board Member, American Psychology and Law Society Book Series, Oxford University Press.
- 2000-2003 Reviewer, Society for the Study of Social Issues Grants-in-Aid Program.
- 2000-present Editorial Board Member, ASAP (on-line journal of the Society for the Study of Social Issues)
- 1997-present Editorial Board Member, Psychology, Public Policy, and Law
- 1991 Editorial Consultant, Brooks/Cole Publishing
- 1989 Editorial Consultant, Journal of Personality and Social Psychology
- 1988- Editorial Consultant, American Psychologist
- 1985 Editorial Consultant, American Bar Foundation Research Journal
- 1985-2006 Law and Human Behavior, Editorial Board Member
- 1985 Editorial Consultant, Columbia University Press
- 1985 Editorial Consultant, Law and Social Inquiry
- 1980-present Reviewer, National Science Foundation
- 1997 Reviewer, National Institutes of Mental Health
- 1980-present Editorial Consultant, Law and Society Review
- 1979-1985 Editorial Consultant, Law and Human Behavior

1997-present Editorial Consultant, Legal and Criminological Psychology

1993-present Psychology, Public Policy, and Law, Editorial Consultant

GOVERNMENTAL, LEGAL AND CRIMINAL JUSTICE CONSULTING

Training Consultant, Palo Alto Police Department, 1973-1974.

Evaluation Consultant, San Mateo County Sheriff's Department, 1974.

Design and Training Consultant to Napa County Board of Supervisors, County Sheriff's Department (county jail), 1974.

Training Consultation, California Department of Corrections, 1974.

Consultant to California Legislature Select Committee in Criminal Justice, 1974, 1980-1981 (effects of prison conditions, evaluation of proposed prison legislation).

Reviewer, National Science Foundation (Law and Social Science, Research Applied to National Needs Programs), 1978-present.

Consultant, Santa Clara County Board of Supervisors, 1980 (effects of jail overcrowding, evaluation of county criminal justice policy).

Consultant to Packard Foundation, 1981 (evaluation of inmate counseling and guard training programs at San Quentin and Soledad prisons).

Member, San Francisco Foundation Criminal Justice Task Force, 1980-1982 (corrections expert).

Consultant to NAACP Legal Defense Fund, 1982- present (expert witness, case evaluation, attorney training).

Faculty, National Judicial College, 1980-1983.

Consultant to Public Advocates, Inc., 1983-1986 (public interest litigation).

Consultant to California Child, Youth, Family Coalition, 1981-82 (evaluation of proposed juvenile justice legislation).

Consultant to California Senate Office of Research, 1982 (evaluation of causes

and consequences of overcrowding in California Youth Authority facilities).

Consultant, New Mexico State Public Defender, 1980-1983 (investigation of causes of February, 1980 prison riot).

Consultant, California State Supreme Court, 1983 (evaluation of county jail conditions).

Member, California State Bar Committee on Standards in Prisons and Jails, 1983.

Consultant, California Legislature Joint Committee on Prison Construction and Operations, 1985.

Consultant, United States Bureau of Prisons and United States Department of the Interior (Prison History, Conditions of Confinement Exhibition, Alcatraz Island), 1989-1991.

Consultant to United States Department of Justice, 1980-1990 (evaluation of institutional conditions).

Consultant to California Judicial Council (judicial training programs), 2000.

Consultant to American Bar Association/American Association for Advancement of Science Task Force on Forensic Standards for Scientific Evidence, 2000.

Invited Participant, White House Forum on the Uses of Science and Technology to Improve Crime and Prison Policy, 2000.

Member, Joint Legislative/California Department of Corrections Task Force on Violence, 2001.

Consultant, United States Department of Health & Human Services/Urban Institute, "Effects of Incarceration on Children, Families, and Low-Income Communities" Project, 2002.

Detention Consultant, United States Commission on International Religious Freedom (USCRIF). Evaluation of Immigration and Naturalization Service Detention Facilities, July, 2004-present.

Consultant, International Committee of the Red Cross, Geneva, Switzerland, Consultant on international conditions of confinement.

Member, Institutional Research External Review Panel, California Department of Corrections, November, 2004-2008.

Consultant, United States Department of Health & Human Services on programs

designed to enhance post-prison success and community reintegration, 2006.

Consultant/Witness, U.S. House of Representatives, Judiciary Committee, Evaluation of legislative and budgetary proposals concerning the detention of aliens, February-March, 2005.

Invited Expert Witness to National Commission on Safety and Abuse in America's Prisons (Nicholas Katzenbach, Chair); Newark, New Jersey, July 19-20, 2005.

Testimony to the United States Senate, Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights (Senators Brownback and Feingold, co-chairs), Hearing on "An Examination of the Death Penalty in the United States," February 7, 2006.

National Council of Crime and Delinquency "Sentencing and Correctional Policy Task Force," member providing written policy recommendations to the California legislature concerning overcrowding crisis in the California Department of Corrections and Rehabilitation.

Trainer/Instructor, Federal Bureau of Prisons and United States Department of Justice, "Correctional Excellence" Program, providing instruction concerning conditions of confinement and psychological stresses of living and working in correctional environments to mid-level management corrections professionals, May, 2004-2008.

Invited Expert Witness, California Commission on the Fair Administration of Justice, Public Hearing, Santa Clara University, March 28, 2008.

Invited Participant, Department of Homeland Security, Mental Health Effects of Detention and Isolation, 2010.

Consultant, "Reforming the Criminal Justice System in the United States" Joint Working Group with Senator James Webb and Congressional Staffs, 2011 Developing National Criminal Justice Commission Legislation.

Invited Participant, United Nations, Forum with United Nations Special Rapporteur on Torture Concerning the Overuse of Solitary Confinement, New York, October, 2011.

PRISON AND JAIL CONDITIONS EVALUATIONS AND LITIGATION

Hoptowit v. Ray [United States District Court, Eastern District of Washington, 1980; 682 F.2d 1237 (9th Cir. 1982)]. Evaluation of psychological effects of conditions of confinement at Washington State Penitentiary at Walla Walla for United States Department of Justice.

Wilson v. Brown (Marin County Superior Court; September, 1982, Justice Burke). Evaluation of effects of overcrowding on San Quentin mainline inmates.

Thompson v. Enomoto (United States District Court, Northern District of California, Judge Stanley Weigel, 1982 and continuing). Evaluation of conditions of confinement on Condemned Row, San Quentin Prison.

Toussaint v. McCarthy [United States District Court, Northern District of California, Judge Stanley Weigel, 553 F. Supp. 1365 (1983); 722 F. 2d 1490 (9th Cir. 1984) 711 F. Supp. 536 (1989)]. Evaluation of psychological effects of conditions of confinement in lockup units at DVI, Folsom, San Quentin, and Soledad.

In re Priest (Proceeding by special appointment of the California Supreme Court, Judge Spurgeon Avakian, 1983). Evaluation of conditions of confinement in Lake County Jail.

Ruiz v. Estelle [United States District Court, Southern District of Texas, Judge William Justice, 503 F. Supp. 1265 (1980)]. Evaluation of effects of overcrowding in the Texas prison system, 1983-1985.

Atascadero State Hospital (Civil Rights of Institutionalized Persons Act of 1980 action). Evaluation of conditions of confinement and nature of patient care at ASH for United States Department of Justice, 1983-1984.

In re Rock (Monterey County Superior Court 1984). Appointed to evaluate conditions of confinement in Soledad State Prison in Soledad, California.

In re Mackey (Sacramento County Superior Court, 1985). Appointed to evaluate conditions of confinement at Folsom State Prison mainline housing units.

Bruscino v. Carlson (United States District Court, Southern District of Illinois 1984-1985). Evaluation of conditions of confinement at the United States Penitentiary at Marion, Illinois [654 F. Supp. 609 (1987); 854 F.2d 162 (7th Cir. 1988)].

Dohner v. McCarthy [United States District Court, Central District of California, 1984-1985; 636 F. Supp. 408 (1985)]. Evaluation of conditions of confinement at California Men's Colony, San Luis Obispo.

Invited Testimony before Joint Legislative Committee on Prison Construction and Operations hearings on the causes and consequences of violence at Folsom Prison, June, 1985.

Stewart v. Gates [United States District Court, 1987]. Evaluation of conditions of confinement in psychiatric and medical units in Orange County Main Jail, Santa Ana, California.

Duran v. Anaya (United States District Court, 1987-1988). Evaluation of conditions of confinement in the Penitentiary of New Mexico, Santa Fe, New Mexico [Duran v. Anaya, No. 77-721 (D. N.M. July 17, 1980); Duran v. King, No. 77-721 (D. N.M. March 15, 1984)].

Gates v. Deukmejian (United States District Court, Eastern District of California, 1989). Evaluation of conditions of confinement at California Medical Facility, Vacaville, California.

Kozeak v. McCarthy (San Bernardino Superior Court, 1990). Evaluation of conditions of confinement at California Institution for Women, Frontera, California.

Coleman v. Gomez (United States District Court, Eastern District of California, 1992-3; Magistrate Moulds, Chief Judge Lawrence Karlton, 912 F. Supp. 1282 (1995). Evaluation of study of quality of mental health care in California prison system, special mental health needs at Pelican Bay State Prison.

Madrid v. Gomez (United States District Court, Northern District of California, 1993, District Judge Thelton Henderson, 889 F. Supp. 1146 (N.D. Cal. 1995). Evaluation of conditions of confinement and psychological consequences of isolation in Security Housing Unit at Pelican Bay State Prison, Crescent City, California.

Clark v. Wilson, (United States District Court, Northern District of California, 1998, District Judge Fern Smith, No. C-96-1486 FMS), evaluation of screening

procedures to identify and treatment of developmentally disabled prisoners in California Department of Corrections.

Turay v. Selig [United States District Court, Western District of Washington (1998)]. Evaluation of Conditions of Confinement-Related Issues in Special Commitment Center at McNeil Island Correctional Center.

In re: The Commitment of Durden, Jackson, Leach, & Wilson. [Circuit Court, Palm Beach County, Florida (1999).] Evaluation of Conditions of Confinement in Martin Treatment Facility.

Ruiz v. Johnson [United States District Court, Southern District of Texas, District Judge William Wayne Justice, 37 F. Supp. 2d 855 (SD Texas 1999)]. Evaluation of current conditions of confinement, especially in security housing or “high security” units.

Osterback v. Moore (United States District Court, Southern District of Florida (97-2806-CIV-MORENO) (2001) [see, *Osterback v. Moore*, 531 U.S. 1172 (2001)]. Evaluation of Close Management Units and Conditions in the Florida Department of Corrections.

Valdivia v. Davis (United States District Court, Eastern District of California, 2002). Evaluation of due process protections afforded mentally ill and developmentally disabled parolees in parole revocation process.

Ayers v. Perry (United States District Court, New Mexico, 2003). Evaluation of conditions of confinement and mental health services in New Mexico Department of Corrections “special controls facilities.”

Disability Law Center v. Massachusetts Department of Corrections (Federal District Court, Massachusetts, 2007). Evaluation of conditions of confinement and treatment of mentally ill prisoners in disciplinary lockup and segregation units.

Plata/Coleman v. Schwarzenegger (Ninth Circuit Court of Appeals, Three-Judge Panel, 2008). Evaluation of conditions of confinement, effects of overcrowding on provision of medical and mental health care in California Department of Corrections and Rehabilitation. [See *Brown v. Plata*, 131 S.Ct. 1910 (2011).]