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Criminal Justice Issues and Prisoners' Rights

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Our Weekly Roundup of News and Views on Solitary Confinement

by [Roxanne Barnes](#) | September 12, 2021

On September 10th, National Suicide Prevention Day, Unlock The Box will be [held a vigil](#) on Twitter to honor those who died by suicide both in and out of solitary confinement. Unlock the Box invited people to fill out a [form](#) so that loved ones could be recognized and honored, and provided [this link](#) to email local and federal legislators to end torture in jails and prisons. There has long been overwhelming evidence of the connection between the use of solitary confinement and high rates of self-harm and suicide in prisons and jails.

Keramet Reiter and a team of researchers from the University of California Irvine have released [a four-year report](#) investigating Washington State DOCs reduced reliance on restrictive housing. Researchers examined administrative data between 2002 and 2017, and conducted 186 interviews with people in maximum custody in Intensive Management Units. The study aimed to investigate the actual reforms put in place after Washington declared in 2013 that it had reduced the number of people in solitary confinement by more than half. Among other recommendations, the study suggested that WDOC Continue work to reduce overall restrictive housing populations but also the frequency with which people experience these conditions, lengths of stay in these conditions, and disparate impact of these conditions on Hispanic prisoners; as well as Continue work to mitigate the harms of restrictive housing, including provision of counseling, healthcare, group activities and programs, and individualized assessments of placement decisions.

NBC News and the Marshall Project [reported on](#) the steadily rising rate of prison suicides, and the severe toll that the pandemic has taken on mental health within American prisons and jails. Between 2001 and 2018 the Bureau of Justice Statistics reported an 85 percent increase in suicides, and although data for 2020 has yet to be released, experts worry that horrible conditions and the 500 percent increase in solitary confinement during the first wave of the pandemic may have made things even worse. Many corrections agencies do not track suicides or withhold information about them, including the Texas DOC, presenting a significant barrier to fixing systemic problems that increase the risk of suicide. Leah Wang, a research analyst with the Prison Policy initiative, says, Without recent and reliable data, we cant do much meaningful enforcement or policymaking.

Activists in Milwaukee held a protest on August 28 outside of the Green Bay Correctional Institution, advocating against harsh conditions like solitary confinement inside the prison, [reports the Wisconsin Examiner](#). Segdrick Farley, a speaker at the protest, was formerly housed in Green Bay and described a pervasive culture of violence. I went to segregation on a minor infraction, and at the time they had me in there roughly two years and eight months, Farley said, adding, the madness, you cant help but feed into it. The protestors were made up of several prisoners rights groups collectively called Shutem Down 2021. They have planned a Day of Visibility on September 9, and several more actions throughout the year.

[The Oakland Side reports](#) that to settle a class action lawsuit filed three years ago, Alameda County has agreed to implement reforms of their mental health care program, including building new therapeutic housing units that would replace the current policy of placing individuals suffering from mental health issues in solitary confinement. Alameda County has come under fire for its use of solitary and inadequate mental health policies several times in the past year, including [a damning DOJ report from April](#). Although the settlement would reform the facility, community advocates for the coalition Decarcerate Alameda County have pushed for reducing the jail population. For years, community members, advocates and directly impacted folks have been telling the county we need to stop investing in a harmful system of incarceration and instead investing in real health affirming services that promote public safety, stated Jose Bernal, member of the coalition. These are things folks desperately need.

A U.S. Department of Justice (DOJ) investigation discovered that the San Louis Obispo County Jail in California violates the constitutional rights of people incarcerated there, with accounts of inadequate medical and mental health care and excessive use of force, including prolonged periods of solitary confinement. [New Times SLO reports](#) that the DOJ began this civil rights investigation after the death of Andrew Holland, who died of a pulmonary embolism after 46 hours strapped to a restraint chair in the jail. The DOJ also determined that the prison consistently failed to investigate use of force incidents. Hollands mother, president of a foundation created in her sons name using the \$5 million settlement received from the county after his death, said, The Justice Departments exhaustive and comprehensive report found gross negligence toward those with mental illness and special needs for one reason: The jail is the wrong place to house and treat those with mental illness.

In August, a federal appeals court made a significant ruling regarding qualified immunity, a doctrine that for decades has shielded police and prison guards from accountability even when they violate peoples rights in the most outrageous ways, notes [an editorial in USA Today](#). The Tenth Circuit Court of Appeals in Denver ruled that a corrections officer who violated an incarcerated Muslim mans First Amendment right to practice his religion by using threats of solitary confinement to force him to shave his beard was not protected by qualified immunity. The appeals court in Denver took its cue from several decisions by the Supreme Court in the last year, including a case from Texas in November, in which two officers were denied qualified immunity for holding a man in filthy cells for six days. The court ruled that in this case, any reasonable officer should have realized that Taylors conditions of confinement offended the Constitution.

The Prison Policy Initiative has [released a report](#) assigning letter grades to state prison systems based on how successfully and humanely they responded to the COVID-19 crisis. Departments of Corrections were examined using the following criteria: how well they limited prison populations, how high the rates of infection and death were in the prison system, how effective vaccination rollouts were among prison residents and staff, and how medical and mental health needs were addressed. No state scored above a C grade in their calculation and most received a D or F, demonstrating how poorly facilities reacted to the public health emergency. The 500 percent increase in solitary confinement during the pandemic points to the flawed primary strategy of most prison facilities, which opted for torture over releases.

Roxanne Barnes is an educator and writer based in Los Angeles and a contributing writer to Solitary Watch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Mirilla Zhu](#)

October 26, 2022

by [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

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