

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/10/14/u-s-government-tells-un-committee-on-torture-there-is-no-systematic-use-of-solitary-confinement-in-the-united-states/>

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by [Jean Casella](#) | October 14, 2014

Today, dozens of advocates will travel from around the country to Washington, DC, to take part in what are called Civil Society Consultations with representatives of the U.S. government on the subject of the [United Nations Convention Against Torture](#) and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

As a signatory of CAT, the United States Government is required prepare a Periodic Report to the UNs Committee Against Torture about its adherence to the Convention. In this report, the United States must respond to questions, observations, and recommendations for change issued by the Committee.

The U.S.s [latest Periodic Report](#), prepared by the State Department and due to be presented in Geneva in November, runs to more than 100 pages. The government addresses 55 separate items raised by the Committee Against Torture, on its conduct in the war on terror and also on its civil justice system.

CAT forbids any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purposes of intimidation, coercion, forced confession, or punishment, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Unsurprisingly, the United States asserts that it is in all cases in alignment with CAT. Its safe to say that most of the advocates permitted to testify at the State Department today will differ, to some degree, with that assertion. Some have even created shadow reports to the U.S. Periodic Report.

In what is pretty clearly a pro forma review process, each of the 21 representatives of civil society will have three minutes to address their concerns to members of the U.S. State, Justice, and Homeland Security Departments, who will then have the opportunity to respond. The entire session will take just two hours.

For advocates working on solitary confinement, the key item comes on page 73 of the U.S. Periodic Report. Amid questions regarding the treatment of immigrants, the death penalty, police brutality, and prison rape, item 37 asks the U.S. government to do the following:

Please describe steps taken to improve the extremely harsh regime imposed on detainees in super-maximum security prisons, in particular the practice of prolonged isolation.

The assurances provided by the United States should be read in full, but we are publishing a few choice sections here. For example, the U.S. report insists that the U.S. Constitution, as interpreted by the courts, offers sufficient protection against the ravages of solitary confinement to all people in prison, and especially to children and people with mental illness.

*The U.S. Constitution, along with federal and state laws, establishes standards of care to which all inmates are entitled. U.S. courts have interpreted the Eighth and Fourteenth Amendments of the U.S. Constitution as prohibiting the use of solitary confinement under certain circumstances, especially with regard to inmates with serious mental illness or for juvenile detainees. (Specifically, under the Eighth Amendments prohibition against cruel and unusual punishments, correctional facility administrators may not subject inmates to solitary confinement with deliberate indifference to the resulting serious harms, including suicides, suicide attempts, and serious self-injury. See *Farmer v. Brennan*, 511 U.S. 825, 843 (1970); see also, e.g., *Madrid v. Gomez*, 889 F. Supp. 1146, 1265 (N.D. Cal. 1995) (using prolonged solitary confinement on prisoners with serious mental illness can be the mental equivalent of putting an asthmatic in a place with little air to breathe))*

People with mental, physical, and psychological disabilities are not punished with solitary confinement, the U.S. reports asserts:

The Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act) restrict and regulate the use of solitary confinement for persons with disabilities. Title II of the ADA, 42 U.S.C. 12132, applies to state actors, while the

Rehabilitation Act applies to federal correctional facilities and correctional facilities receiving funds from the federal government. Both statutes prohibit the use of solitary confinement in a manner that discriminates on the basis of disability instead of making reasonable modifications to provide persons with disabilities access to services, programs, and activities, including mental health services. See Pa. Dept of Corr. v. Yeskey, 524 U.S. 206, 210 (1998).

Likewise, according to the report, children cannot be placed in solitary confinement (or at least, only as a last resort:

PREA [Prison Rape Elimination Act] restricts the use of solitary confinement for juvenile inmates and inmates who are the victims of sexual violence. Under implementing regulations, juveniles may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. 28 C.F.R. 115.342. The regulations also set time limits and other limitations on the use of solitary confinement on juvenile inmates. With regard to adult inmates at high risk for sexual victimization, the regulations establish conditions on placement in segregated housing and provide that if such inmates are placed in segregated housing, they are to have access to programs, education, work opportunities, and other services to the extent possible. 28 C.F.R. 115.43(a)-(b).

In fact, there is no systematic use of solitary confinement in the United States at all! Not even at the notorious federal supermax, ADX.

As stated in a letter of November 30, 2011, responding to a request from the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [t]here is no systematic use of solitary confinement in the United States. Noting that the Special Rapporteur had cited the U.S. Penitentiary, Administrative Maximum (ADX) facility as an example of a facility that places inmates in solitary confinement, the letter provided information including the following:

Security requirements at the ADX mandate restrictive procedures for movement of inmates and physical interaction with staff. For security reasons, inmates in General Population spend most of their day in individual cells. They are not deprived, however, of human interaction. Inmates can speak with (but not touch) one another in the recreation yards, and can communicate with the inmates housed on either side of their cells. The Warden, Associate Wardens, Captain, and Department Heads perform weekly rounds so they can visit with each inmate. Correctional Officers perform regular rounds throughout all three shifts on a daily basis. A member of an inmates Unit Team visits him every day, Monday through Friday, except on holidays. Inmates receive regular visits from medical staff, education staff, religious services staff, and mental health staff, and upon request if needed. In addition, General Population inmates are permitted five non-contact social visits per month and two fifteen-minute phone calls. Inmates in less restrictive housing units are permitted even more social visits and phone calls. Inmates can also send and receive personal correspondence.

Virtually everything we have published in the last five years on Solitary Watch refutes these assurances. So do the lives of the thousands of men, women, and children who have been driven to despair, to madness, to self-harm, or to suicide all by a practice which, according to their government, is neither cruel, inhumane, degrading, or torturous.

Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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 [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

Im not surprised that our government continues to double down and lie. Its sad because who believes them? Im an activist who works with federal prisoners and I could write a book on the horrors of Solitary. One inmate I work with survived about 16 years at the ADX. I could write a separate book on what that place does to the human mind and the daily thoughts of suicide. The terrors of Solitary are very real. What must their families go through? When they say they only send the worst of the worst there, dont believe. Its the FBIs favorite phrase, along with He said he wouldnt be taken alive! All you have to do is tick off the wrong person and you wind up in that place. Yes, theyve got plenty of bad-asses locked up there but the ADX is NOT an exclusive club that only holds killers, rapists or those whove harmed another human. The one victory I did get was only obtained because I took it all the way to the Director of the BOP in Washington, D.C. and CCd THAT letter to the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. Within two weeks the inmate was out of Solitary and in a couple of months he was transferred to a penal mental hospital in Indiana. He will be close enough to home next year to allow his elderly mother to see him for the first time in years. When I get discouraged, I think about the victories, few and far between but so very worth the effort.

Jean: God bless you for your work to help these suffering people. I, too, strongly advocate for people in solitary and for the incarcerated mentally ill. After losing a mentally ill prisoner I called a friend to suicide in March 2014, I submitted a detailed report to the ACLU. My report included Rob's 5 suicide letters and my corespondence with the director of mental health care for the VaDOC prior to his suicide. Rob was cruelly held in solitary and abused relentlessly by the guards and mental health staff. He just couldn't take it anymore.

Mary: thank you for your work to help the incarcerated mentally ill. I've been advocating for and befriending mentally ill prisoners for 14 years. I lost one of my friends I advocated for in March 2014 to suicide. Prior to his suicide, I had contacted the director of mental health care for the state where my friend was incarcerated. I only received a shockingly rude response and nothing was done. Only the cruel treatment that made him suicidal was continued-nothing done to help him. I have submitted a report to the ACLU which included my corespondence with the director and my friend's five suicide letters. Still waiting to hear about my report. Of course my friend was held in solitary confinement.

@ Dr. Milavec

Here is an earlier report by Human Rights Watch.

http://www.hrw.org/reports/2001/prison/report4.html#_1_27

I am surprised that the UN report does not seem to notice the very high incidence of male on male rape in prisons. Seemingly non-aggressive males have to submit to be the willing partners of aggressive males who then claim and protect them in the yard.

We're being bombarded with mis-information similar to wartime propaganda. There's an enormous amount of this and I would urge all citizens of the US and people like me who don't want to swallow their sh*t

just wrote a reply on JAMIES post.

No solitary confinement used in an abusive way? Go to <http://www.mynameisjamie.net> My Name is Jamie. Life in Prison and read about his life in solitary. Fortunately, they just recently let him out in a limited way. He's still in a low level. But there is hope that soon, after 9 years of confinement that he will be able to make his very first phone call.

With so many super max prisons and solitary jail/prison cells in the USA, it is surprising that the USA denied its systemic use of solitary confinement. It is estimated that roughly 80,000 inmates are in solitary confinement, some for decades. Over 60 percent of the isolated inmates are mentally ill people who should be treated as psychiatric inpatients or outpatients, not punished for offenses that arose from their health disabilities. Assistance to the Incarcerated Mentally Ill (AIMI) plans to file an action in International Court against the USA for long-term homelessness, brutality and wrongful deaths of mentally ill Americans, especially mentally ill inmates who were denied timely psychiatric treatment to prevent offenses that led to harsh punishment. Google AIMI vs. USA, which will be filed in 2015. Listen to our Blogtalkradio shows on Wednesdays at 8pm Pacific Time to hear from families in mental health crises. Torturous solitary confinement and denial of visits are two of the most common complaints among family members of mentally ill inmates.

Absolutely, Eileen

systematic use of solitary confinement in many counties in the US, including Harford County, MD, juveniles-charged-as-adults are automatically placed in solitary, within adult jails and prisons, for their own protection. This can go on for months or years until they are bailed out, waived down (unlikely), turn 18, or their cases go to trial. Isn't that systematic?

Great, that there is concerned human beings on here, who will speak out as to the plight of the many thousands of prisoners, undergoing mental and physical torture within prisons

Why can't our prisons universally create a system focusing on opportunity for a solitary inmate to better his/her conditions? Good behavior in a reasonable time span would yield one phone call per week if they have none; books to read if they have none; a visit when they have none, and eventually an opportunity to behave their way out of solitary. Why can't inmates have a constant series of steps to improve their lot in the general population: more visits; high school equivalency or college courses; better opportunities for special foods; more recreation time? Why must a supposed system of rehabilitation focus so much on inhumane treatment and revenge such as the SHU for extensive periods of time? We can do better in our prisons. We need to be more compassionate. We need to afford opportunities to bring out the better side of so many prisoners. Inmates are there because they did wrong. No doubt. But shouldn't it be our job to try to make things better for them while they are punished with incarceration? We need to correct a system that sometimes encourages an inmate's reactive, poor behavior.

The on Line dictionary defines Systematic as:

1. concerned with classification:
2. pertaining to, based on, or in accordance with a system of classification.

Wikipedia explains classification in jail/prison as a procedure of placing prisoners in one of several custody levels Maximum, Medium, Minimum.

Prison officials may then later use a point system to classify an inmate as a member of a security threat group or STG.

The result of receiving such a classification is a transfer to Administrative Segregation.

Solitary Watch reported this:

Administrative segregation relies on a system of classification rather than actual behavior, and often constitutes a permanent placement, extending from years to decades.

And this:

The 2000 census of prisoners cited by the Commission on Safety and Abuse in Americas Prisons found 36,499 inmates were being held in administrative segregation,

Based on all this information you be the judge if:

There Is No Systematic Use of Solitary Confinement in the United States

Totally agree with Erikait beyond human belief, the denials by the USA government..and bare faced lies in their denial.blatant and diabolical.it is clearly a system of revenge and out and out torture.incredible that they should deny what is a clear reality

Perfectly said, John.

Im absolutely speechless. The USAs denial about the systematic use of solitary confinement is the biggest lie Ive ever heard. The government is able to lie because most of society could care less about incarcerated people.

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