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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/10/22/children-routinely-held-in-pre-trial-solitary-confinement-in-texas/>

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by [Jean Casella and James Ridgeway](#) | October 22, 2010

CHILDREN IN LOCKDOWN

One of this years [Molly Prizes](#) named for the late journalist Molly Ivins, and sponsored by the *Texas Observer* has gone to a powerful story about teenagers held in solitary confinement in adult jails in Texas, before they have been tried or convicted of any crime. Chris Vogels story [For Their Own Good](#) appeared in the *Houston Press* in June. The piece begins with the story of a boy named George.

For the past six months, George has been living alone in a small cell on the second floor of the Harris County jail awaiting trial on charges of aggravated robbery with a deadly weapon. Prosecutors say he was one of a group of boys who robbed and assaulted a married couple at gunpoint.

George (not his real name) has been held in isolation 23 hours a day even though he has not been convicted of a crime.

He is 15 years old.

He desperately misses his mom.

In most cases, teens ages 14 to 16 would be held before trial in the countys juvenile facility, but George has been certified to stand trial as an adult, which means he is housed across the street at the Big Jail.

Authorities say that to keep George and other juveniles like him safe from older, hardened criminals in the general population, George should spend his days in near solitary confinement.

But this decision to protect juveniles may actually make life much worse for them, critics say.

Liz Ryan, Director of Youth Justice, an advocacy group in Washington, D.C., says data shows that juveniles are 36 times more likely to commit suicide in an adult jail than a juvenile detention facility and 19 times more likely to kill themselves in isolation than in general population.

Vogel tells the story of another teen whose case never even went to trial. But before it was dropped, the 16-year-old had spent a year in isolation, which he described as mental agony.

It made me want to act crazy, he says, but I knew I wasn't a crazy person. I know that in their eyes were adults and criminals, but at the same time, were very young and we haven't been convicted. We're just sitting there. You get crazy thoughts, like you want to hurt somebody or hurt yourself.

Vogel's investigation found that in 2008, 83 teens in Harris County were certified to stand trial as adults. Since in many cases their families cannot afford bail, they remain in jail awaiting trial, where they are often placed in solitary confinement for their own protection.

The treatment of these kids has slipped under the radar, Vogel writes. Even the judges who certify them as adults and many county officials seem unaware that this legal determination sends the teens to isolation. He points out: They have not been convicted of anything, yet their treatment in isolation is akin to the severe, short-term punishment of adult prisoners who have already been condemned. And there they sit, for months, even years, before ever going to trial.

The rest of the article examines the certification process (which is little more than a rubber stamp), the laws that keep these kids in adult jails instead of juvenile facilities, and the conditions in which they live. It also looks at arguments on the effects of solitary confinement on children which, as you might imagine, can be profound. Vogel ends with the story of another boy, called Diego.

Like George, Diego says time drones on, blending into one seamless, never ending day. He is bored constantly. So bored, he says, that some days he can't even concentrate to read. Occasionally, he catches himself talking to himself out loud. At times he's thought he was hallucinating. Like many other teens in segregation, he's beat on his cell door and try to start a riot, sometimes because we didn't get our

full hour out of our cell and sometimes because theres nothing else to do.

He says he cant wait to turn 17 and get placed in with other inmates, or get convicted and go to prison, just so he can escape the isolation.

The worst thing is the pain of being alone in my cell 23 hours a day, he says. This is the worst place I have ever been.

H/T to Alan for telling us about this award-winning piece, which we missed the first time around.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. 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

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In Justice Justices conclusion of his paper titled Cruel and Unusual Still you will find this poignant line:

It has been over three decades since the matter of Texas prisons constitutionality first came before this court.

Well it is over 3 decades since Justice wrote that line and we are still waiting while reading such stories as this.

Justice also wrote in his conclusion:

The imposition of extensive policies and the formation of a bureaucracy do not, however, immunize the system from constitutional challenge. The measure of a prison systems constitutionality, as always, is not its production of policies, but its treatment of inmates.

<http://www.texasobserver.org/archives/item/13630-1014-cruel-and-unusual-still->

Cruel and Unusual Still

by William Wayne Justice

Published on: Thursday, April 01, 1999

This court regretfully acknowledged that it is impossible for a written opinion to convey the pernicious conditions and the pain and degradation which ordinary inmates suffer within TDC prison walls the sense of abject helplessness felt by inmates arbitrarily sent to solitary confinement or administrative segregation without proper opportunity to defend themselves or to argue their causes; the bitter frustration of inmates prevented from petitioning the courts and other government authorities for relief from perceived injustices (Ruiz v. Estelle, 1980).

The extreme deprivations and repressive conditions of confinement of Texas administrative segregation units, however, have been found to violate the Constitution of the United States prohibition against cruel and unusual punishment, both as to the plaintiff class generally and to the subclass of mentally ill inmates housed in such confinement.

Through the testimony of penological psychology expert Craig Haney, as well as experts Breed and Riveland, and a number of psychiatrists, plaintiffs further allege that prisoners in administrative segregation, especially those with psychiatric illnesses, are suffering cruel and unusual punishment by being deprived of a minimal measure of civilized lifes necessities. Plaintiffs further accuse TDCJ-ID of practicing a widespread pattern of warehousing mentally ill prisoners in administrative segregation.

Persons who, with psychiatric care, could fit well into society, are instead locked away, to become wards of the states penal system. Then, in a tragically ironic twist, they may be confined in conditions that nurture, rather than abate, their psychoses. The United States Constitution cannot abide such a perverse and unconscionable system of punishment.

Those inmates locked away in administrative segregation, especially those with mental illnesses, are subjected to extreme deprivations and daily psychological harm. Such practices and conditions cannot stand in our society, under our Constitution.

Conclusion

It has been over three decades since the matter of Texas prisons constitutionality first came before this court. In light of the egregiousness of the violations of the Constitution found in 1980, the Texas Department of Criminal Justice, through the sometimes strained partnership with the representatives of the inmate plaintiffs in this civil action, has dramatically overhauled its prison system. The imposition of extensive policies and the formation of a bureaucracy do not, however, immunize the system from constitutional challenge. The measure of a prison systems constitutionality, as always, is not its production of policies, but its treatment of inmates.

Texas prison inmates continue to live in fear a fear that is incomprehensible to most of the states free world citizens. More vulnerable inmates are raped, beaten, owned, and sold by more powerful ones. Despite their pleas to prison officials, they are often refused protection. Instead, they pay for protection, in money, services, or sex. Correctional officers continue to rely on the physical control of excessive force to enforce order. Those inmates locked away in administrative segregation, especially those with mental illnesses, are subjected to extreme deprivations and daily psychological harm. Such practices and conditions cannot stand in our society, under our Constitution.

More on Justice:

<http://www.pbs.org/moyers/journal/10232009/watch3.html>

Excerpts from Bill Moyers tribute to William Wayne Justice the late Federal Judge for the Eastern District of Texas.

He demanded a top-to-bottom overhaul of Texas prisons, some of the most brutal and corrupt in the nation. He even held the state in contempt of court when he thought it was dragging its feet cleaning up a system where thousands of inmates slept on the dirty floors of their cellblocks, and often went without medical care. The late Molly Ivins said of William Wayne Justice, He brought the United States Constitution to Texas.

Justice stings I once read. Well, this one certainly did. And his detractors stung back. With death threats and hate mail. Carpenters refused to repair his house, beauty parlors denied service to his wife. There were calls for his impeachment. After he desegregated the schools he was offered armed guards for protection. He turned them down and instead took lessons in self-defense.

You need to understand that many Texans believe in the law only when it sides with them. And they long for the good ol days of Judge Roy Bean, the saloonkeeper whose barroom court was known in frontier days as, The Law West of the Pecos. Beans instructions were simple: Hang em first, try em later.

Lethal injection is practically a religious ritual in Texas. In fact, before their sentencing verdict that will send a fellow to die in just a couple of weeks jurors in Nacogdoches County, Texas, consulted the Bible and found what they were looking for in the Book of Numbers, where it reads: The murderer shall surely be put to death, and this one: The revenger of blood himself shall slay the murderer.

They can be short on mercy in Texas, all the more reason to mourn the loss of justice, William Wayne Justice. Rest in peace, Your Honor.

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