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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 [Valerie Kiebala](#) | November 26, 2019

The *Philadelphia Inquirer* [reported](#) that the Pennsylvania Department of Corrections agreed to a settlement with the Abolitionist Law Center (ALC) and the ACLU of Pennsylvania last week that will end indefinite solitary confinement for people held on death row in the state. The 136 people with death sentences will now have over 42 hours a week out of their cells, contact family visits, fifteen minutes of phone time a day, health evaluations, and mental health care. They will no longer be subjected to strip searches or shackles every time they come outside their cells and will be provided access to jobs, programming, recreation, religious services, and windows. According to Bret Grote, an attorney at the ALC, The response to contact visits is beyond description: how meaningful that was to the men in the capital case units, some of whom have not touched a loved one for 20 to 30 years until this summer. There have been no major security disruptions. There's not been pandemonium or an outbreak of violence.

ProPublica Illinois in partnership with the *Chicago Tribune* conducted an [investigation](#) into the use of isolation on students with psychiatric disabilities in schools across Illinois. In response, the Illinois State Board of Education (ISBE) announced an [emergency halt](#) on the use of seclusion on children. Illinois law had allowed isolated timeouts in situations that posed a safety risk. But the investigation found many of the 20,000 documented uses of seclusion between 2017 and 2018 were for convenience or punishment, in response to behaviors like refusing to do classwork, for swearing, for spilling milk, for throwing Legos. Staff watching students in isolation had logged them urinating and defecating on themselves, smearing feces on the wall, sometimes banging their heads into the walls. One student reportedly said, I'd rather die. You're torturing me! The new rules would require the door to be unlocked and a trained adult in the room with the student. Governor J.B. Pritzker called the investigation findings appalling and said he would work with legislators to make the ISBE rules into law.

WTVF [reported](#) that Middle Tennessee Juvenile Detention Center uses solitary confinement on children for up to 24 hours a day for weeks or months at a time, and no state law or Department of Children's Services (DCS) policy prohibits this. One probation officer, Kelly Gray, found a 16-year-old boy had been kept in his cell for 24 hours a day 7 days straight and was told if he didn't sweep his cell, he would not be allowed to leave but nothing was allowed in his cell that could be used to sweep. After the first week, he was allowed out of his cell only one hour a day. Mark Anderson from DCS claims that this severe isolation, which they call room confinement, does not constitute solitary confinement because the youth are yelling at each other back and forth between cells. But Gray said, How is that treatment and rehabilitation? It's not.

The *Marietta Daily Journal* [reported](#) that the ACLU of Georgia sent a request to the Cobb County Adult Detention Center for information about conditions in the facility during a months-long lockdown. The lockdown was allegedly sparked by an incident in September between detained men and deputies that left the deputies with injuries. Fifteen people held in the jail wrote letters describing being locked in their cells for 24 hours a day, except for periodic fifteen-minute showers. Family communication has also been heavily restricted, according to the letters. Two people have been reported dead at the jail since the beginning of the lockdown, and at least seven people have died at the jail in the past year. An attorney with the ACLU of Georgia said, The Cobb County Sheriff's Office must provide meaningful transparency and rectify any unconstitutional or unlawful conditions in this situation.

According to the *Crime Report*, the Texas Criminal Justice Coalition (TCJC) released a [report](#) featuring firsthand stories from 11 formerly incarcerated youth and calling for Texas lawmakers to ban the practice of holding youth in adult prisons. Jos, who was incarcerated as a kid, said, I pray that Texas will one day realize that we must treat kids like kids, provide them with more opportunities for rehabilitation, help them address the root causes of their behavior, and stop believing that incarcerating kids is the solution. Youth in adult prisons often get thrown in solitary to prevent them from being housed with adults. Leon recalled his time in solitary after arguing with an officer, I felt like I was losing my mind.

News9 [reported](#) that the family of Justin Thao, who hanged himself in a solitary confinement cell in the Grady County jail in Oklahoma in 2017, has sued the county for the 20-year-old's death. A video shows Thao trapped in solitary for an hour and fifteen minutes, shouting for help, expressing paranoid thoughts, and saying, I'm f***** dying I'm going to commit suicide. One staff member is shown yelling back to Thao, Shut up or you won't go! in response to his calls for help. The lawsuit claims that staff violated jail standards in falsely stating they had checked on Thao every fifteen minutes, and the lawsuit also claims that staff violated policy by giving Thao the towel that he

eventually used to hang himself. The lawsuit calls for \$75,000 in damages.

[According](#) to the *Omaha World-Herald*, the inspector general of Nebraska child welfare has released this year's report on the use of room confinement in juvenile facilities across the state. The report found that children had been isolated 2,368 times, in periods ranging from fifteen minutes to 114 days. The inspector general, Julie Rogers, said, We conclude that there is no behavioral, medical, educational or legal research that indicates juvenile room confinement is beneficial or therapeutic, recommending lawmakers pass legislation restricting the use of room confinement. The director of the ACLU of Nebraska called the findings intolerable and said, The research is crystal clear solitary confinement hurts kids and is still being overused and misused in Nebraska.

The *New York Times* [reported](#) that Prisoners Legal Services of New York filed a class action lawsuit against the New York State Department of Corrections and Community Supervision (DOCCS) for punishing people and placing them in solitary confinement based on faulty drug tests. DOCCS had been using tests from the Microgenics Corporation since 2018, though Prisoners Legal Services said they received complaints about the tests almost immediately. Michael Kearney, a plaintiff in the lawsuit, said a week before his release date, his test came back with a false positive for drug use and he was sent to solitary for 120 days. He lost a construction job he had obtained on the outside. If you're going to arrest somebody and put them in a box and treat them like a locked-up dog, Kearney said, get the right results. A spokesman for DOCCS said that the department has since stopped using the Microgenics tests.

KRGV [reported](#) that twelve asylum-seekers from Cuba were put in solitary after hunger striking at the Cibola County Correctional Center, an ICE facility in New Mexico, run by CoreCivic. Some of the men had been transferred to Cibola after engaging in a sit-in at the Otero County Processing Center, another Immigration and Customs Enforcement (ICE) facility in New Mexico run by Management & Training Corp. While an ICE spokesperson claimed, ICE does not retaliate in any way against hunger strikers, a Cuban hunger striker, Luis Miguel Valladares Oliva, said, They threaten us all the time that they're going to take us to the hole. But we're professional, well-educated people. The *Santa Fe New Mexican* [reported](#) that U.S. Senators Tom Udall and Martin Heinrich sent a letter to the Department of Homeland Security, expressing deep concern about the reports of inhumane treatment in ICE facilities and calling for a federal investigation into the conditions.

The leading conservative magazine *The National Review* published [a commentary](#) by correspondent Kevin D. Williamson denouncing the use of solitary confinement in New York City jails and beyond. Williamson describes a November 18 protest outside the mayor's residence in New York, where opposition to solitary has gained additional momentum following the death of transgender woman Layleen Polanco in solitary confinement on Rikers Island earlier this year. Senator Bernie Sanders describes the practice as torture, and he is not wrong to do so, Williamson writes. New York City Mayor Bill de Blasio remains unconvinced and argues, not unreasonably, that the case for abolishing solitary confinement oversimplifies safety concerns. But that is a practical operational question that can be solved. Williamson concludes: The lasting psychological effects of extended periods of solitary confinement are not widely understood and rarely are part of the discussion of criminal-justice reform. That is an error that should be remedied. As evidence, he recommends to readers the 2012 [Congressional testimony](#) of clinical psychologist Dr. Craig Haney.

Valerie Kiebal was a contributing writer and editorial and project manager for Solitary Watch, and is now the media director of Straight Ahead, which is building a decarceration movement throughout Pennsylvania. Her work has also appeared in *The Root*, *Truthout*, the *Chicago Reporter*, and *Shadowproof*.

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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P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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