

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/02/10/smart-on-crime-coalition-declares-isolated-confinement-is-overused-and-harmful/>

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by [James Ridgeway and Jean Casella](#) | February 10, 2011

The Smart on Crime Coalition is a [gathering of organizations](#) from across the political spectrum from the ACLU to the Heritage Foundation which issues policy recommendations for criminal justice reform at the federal level. Due to the undeniable human costs and the overwhelming fiscal costs, its website states, Americans from diverse political perspectives particularly professionals with experience in all aspects of the criminal justice system recognize that the system fails too many, costs too much, and helps too few.

The coalition's new report is *Smart on Crime: Recommendations for the Administration and Congress*, which provides the 112th Congress and the Obama administration with analysis of the problems plaguing our state and federal criminal justice systems and a series of recommendations to address these failures. These [Recommendations For Improving The Prison System](#) include implementing the Prison Rape Elimination Act, addressing problems created by the Prison Litigation Reform Act, building transparency and accountability in corrections, and increasing effective rehabilitation. They also include a sharp criticism of solitary confinement. The following is a summary of Smart on Crime's recommendations on the subject of what it refers to as isolated confinement. (H/T to the excellent [Prison Law Blog](#) for alerting us to this report.)

### **Over-reliance on the Use of Harmful Long-Term Isolated Confinement**

#### ***Isolated Confinement is Overused and Harmful***

The monetary cost of using isolated confinement, coupled with the human cost of increased physiological and psychological suffering, far outweighs any purported benefits. In order to build a fair, effective and humane criminal justice system, we must work to curb the use and misuse of isolated confinement.

#### ***Reduce the Use of Long-term Isolation and Design Effective Alternatives***

##### *Legislative*

Congress should introduce a bill limiting the use of long-term isolated confinement in BOP facilities. That bill should incorporate by reference Chapter 23 of the ABA Treatment of Prisoners Standards related to long-term isolated confinement, and require compliance with these standards. The bill should also require re-socialization for prisoners subject to such isolated confinement before they are released back into the community. This will protect public safety and assist individuals subject to isolation in reintegrating successfully into society. Such de-briefings should take place in phases, starting at least six months before the end of their sentence. All prisoners held in isolated confinement-like housing should be included in this re-socialization process. De-briefing programs should include clinical staff, social workers, and education staff to provide counseling and life skills to prepare prisoners for release to the community.

##### *Executive*

The Government Accountability Office should conduct a study of the effectiveness and availability of mental health care for prisoners in long-term isolated confinement. The study should specifically evaluate the numbers of mentally ill prisoners confined in segregated housing as defined by ABA Treatment of Prisoners Standard 23-1.0(o); the clinical treatment being provided to those mentally ill prisoners; whether or not there are policies and protocols in place and being used to ensure that the mentally ill in BOP are not housed in segregation housing; and the length of stay for mentally ill prisoners in segregated housing.

BOP should adopt policies and practices for its use of long-term isolation consistent with the standards established by the ABA's Treatment of Prison Standards, including:

- \* Adopting procedures to evaluate whether segregation is warranted prior to placing or retaining a prisoner in isolated confinement;
- \* Placing limits on disciplinary segregation. In general stays should be brief and should rarely exceed one year. Longer-term segregation should be imposed only if the prisoner poses a continuing and serious threat.

- \* Segregation for protective reasons should take place in the least restrictive setting possible;
- \* Decreasing extreme isolation by allowing for in-cell programming, supervised out-of-cell exercise time, face-to-face interaction with staff, access to television or radio, phone calls, correspondence, and reading material;
- \* Decreasing sensory deprivation by limiting the use of auditory isolation, deprivation of light and reasonable darkness, and punitive diets;
- \* Allowing prisoners to gradually gain more privileges and be subjected to fewer restrictions, even if they continue to require physical separation;
- \* Refraining from placing prisoners with serious mental illness in what is an anti-therapeutic environment. Instead maintain appropriate secure mental-health housing for such prisoners; and
- \* Monitoring prisoners in segregation for mental-health deterioration and dealing with deterioration appropriately if it occurs.



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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I've always believed that being released from prison is like a deep sea diver coming back to the surface. Depending how deep he/she has been in the system they need to reach their goal in stages. The emotional strain of prison life in general requires time to alleviate.

Codes of conduct need to be adjusted to fit in a free society. Believe me there are different expected reactions to stress inside and outside prison.

Image is all important for survival in prison and defending one's image means using violence or the threat of it to resolve small disputes. Like holding your gaze too long. This can get you killed in prison but it is not uncommon for us as freemen to people watch while seated in an outside cafe.

How about the little things that we never even think about as freemen/women.

I remember leaving the CYA in 1969 and taking a plane out of San Francisco. I had been dropped at the entrance of S.F. International Airport door with a ten dollar bill and a ticket by two correctional officers.

I had not flown since I was four or five and had no idea what to do. I imagine that at least the pat downs by TSA will be familiar to those being released today.

I didn't eat the meal on the plane because I saw people paying for drinks and I thought I had to pay for it. As it turned out I needed the money for a taxi when I landed since no one had notified my family that I was being released. I still get nervous today when I fly so I feel for those that have never even left their cell for decades.

In 1969 I was leaving the liberal bastion of Frisco for the deep south. So I was nervous because all I knew of the south was the disturbing images in the news of the civil rights struggle. Images of dogs and water hoses with angry horse back riding helmeted police swatting at the protesters.

A riot (called a civil disturbance today) greeted me soon after my arrival. Ironically within two weeks of my first release from the CYA in 1965 I had also watched the smoke from the Watts riot from my families porch. Baton Rouges disturbance was squashed much faster than the Watts riot when the tanks were rolled out.

I was arrested once more but the charges were dropped after spending months in an overcrowded but segregated Parrish adult jail. This time I was released 1500 miles from home with a quarter. I nearly was arrested for vagrancy near a famous prison farm in TX and threatened with cutting cane as I hitched a ride through a sleepy village. I didnt even have money for food until I was back to my more progressive CA home. It took me three days in the elements. Suffering through a 20 minute violent hail storm in the open desert in a short sleeve polyester shirt.

Back home I had no H.S. diploma and no skills but I was hopeful. Parole is designed to be violated but I gave them no chance. I got my GED then enlisted in the USAF after ceiling my records. I received no help along the way. It is a miracle I made something out my life. But I know luck played as much a role as my perseverance. Preparation by the system played no part of it at all. Why should they want to prevent you from returning they get paid when the beds are full?

The reforms suggested above are necessary!

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