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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](#) | December 9, 2019

Mother Jones [reported](#) that a federal judge in California approved the class action status of a lawsuit filed against the private prison company GEO Group for its forced labor practices in Immigration and Customs Enforcement (ICE) detention facilities across the country. The lawsuit challenges the companys Housing Unit Sanitation Policy that requires detained people to execute a wide range of completely uncompensated work for the companys enrichment under the threat of solitary confinement, pepper spray, loss of phone time, or even criminal charges. At the Adelanto Detention Facility, the handbook notes that failing to clean a cell is punishable by disciplinary restriction up to 72 hours, though officials claim the work program is voluntary. In one court document, lawyers for the GEO Group said that losing a lawsuit could pose a potentially catastrophic risk, costing the company tens of millions of dollars.

The Southern Poverty Law Center (SPLC) [announced](#) that a Florida district court rejected the request from the Florida Department of Juvenile Justice (DJJ) to dismiss a class action lawsuit filed by SPLC, Florida Legal Services, and the Florida Justice Institute. The lawsuit claims that the states use of solitary confinement on children violates the 8th Amendment, 14th Amendment, Americans with Disabilities Act, and Rehabilitation Act. The DJJ held 4,130 children in solitary confinement for a total of 11,738 times in an eleven-month period, which amounts to 30 percent of detained children spending time in solitary. Across the state, 22 percent of public school students are African American, but 70 percent of the children in solitary confinement are African American.

The *Philadelphia Inquirer* [reported](#) that the license of James Harrington, the former head psychologist at State Correctional Institution Cresson, has been revoked after a court order determined that three suicides at the prison were preventable under Harringtons watch. The Pennsylvania Board of Psychology found Harrington had allowed people with psychiatric disabilities to be placed in solitary confinement, even approving a plan for a man to sit in isolation for six days without clothing, a mattress, blanket, regular food, or any kind of mental health treatment. While Harrington was fined over \$62,000, he still holds an administrative role in the department, making more than \$100,000 a year. The father of John McClellan, one man who committed suicide at Cresson, said, It seems like you can do what you want and get away with it. The family of another man, who committed suicide after time in solitary, filed a lawsuit against the department for their sons death.

The Frontier [reported](#) that the Oklahoma Department of Corrections (ODOC) has completed the transfer of 33 people from the death row H Unit to the A Unit, where the ACLU believes the people are still being held in conditions of solitary confinement. The transfers, which excluded ten people still housed on H Unit allegedly for their safety or the safety of others, occurred after an ACLU attorney, Megan Lambert, sent the ODOC director a letter spelling out the constitutional violations of automatically holding people with death sentences in solitary confinement and denying them religious services. While people in the A Unit are now allowed outside for recreation, Phillip Hancock, one man transferred from death row said, Its much worse in here than in H Unit and called the recreation cage dehumanizing. Lambert said the ACLU is still prepared to litigate.

[According](#) to *LGBTQ Nation*, about 170 transgender women filed a class action lawsuit against the Colorado Department of Corrections and Governor Jared Polis for discrimination and abusive conditions. One plaintiff said she was stripped naked by a group of male guards, handcuffed, and placed in the hole for weeks, while others reported surviving rape and suicide attempts. The advocacy organization Black and Pink conducted a study in 2014 that found 85 percent of the 1,118 LGBTQ people surveyed in prison had been placed in solitary confinement, 100 percent of those surveyed had been forcibly strip searched, and 100 percent had experienced sexual violence from prison staff. The lawsuit calls for the state to house people based on their gender identity and provide access to trans-specific health care.

The Arizona Center for Investigative Reporting (AZCIR) followed the [story](#) of Adrian Perez to examine the cycle of people with psychiatric disabilities in and out of local jails, where they often land in solitary confinement. Predictably, the original charges are usually related to symptoms of their mental illness and they are placed in isolation because, as Cochise County Sheriff Mark Dannels said, I dont have a place to put them. Nationwide, a study found that 4.6 percent of the population has been diagnosed with serious mental illness (SMI), but people with SMI make up between 20 and 26 percent of jail populations. AZCIR says Cochise County Jail did not allow them to visit the solitary unit because of the stench of feces and agitated state of the people on the unit. Arizona has no laws limiting the use of solitary confinement, but Arizonas counties have joined the Stepping Up initiative to divert people with mental illness

from jails.

Solitary Watch [reported last month](#) on the efforts by Massachusetts Department of Correction (DOC) to circumvent new solitary confinement restrictions and oversight mechanisms. This week, the *Boston Globe* published an [editorial](#) arguing that a culture change within the DOC will be necessary to truly eliminate the use of solitary confinement in Massachusetts. The Criminal Justice Reform Act of 2018 limited solitary confinement to the most extreme cases and even then, to a maximum of 60 consecutive days. But State Senator James Eldridge claims the department finds ways to circumvent the law, using names like Disciplinary Detention Unit, the Secure Treatment Unit, the Limited Privileges Unit, or the Secure Adjustment Unit. About six percent of people in Massachusetts prisons were reportedly held in solitary, as of this past October. Ultimately, the article claims, Massachusetts does not need a new law to institute reforms like [Colorado]; it needs corrections officials willing to change.

Blue Virginia [published](#) a breakdown of the data released by the Virginia Department of Corrections (VADOC) in answer to 2018 legislation mandating that department provide reports of their use of solitary confinement every year. The bill itself defined solitary confinement using vague language, and the ACLU of Virginia ultimately opposed the bill for its lack of specificity and requirements. The article describes how the data documented in the VADOC report is both inadequate and misleading. From the report, the article says, Its not clear why people are being placed in solitary. Its not even clear how many individuals are in what the ACLU would consider solitary.

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 [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

by [Caitlin Konya](#)

October 5, 2022

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