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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](#) | April 15, 2018

Disability Rights Oregon (DRO) published a [report](#) following up on a previous report that they released in May 2015, which revealed the Oregon State Penitentiary has been holding about 40 severely mentally ill individuals in solitary confinement at the Behavioral Health Unit, isolated in their cells for at least 23 hours a day. After DRO threatened to file a lawsuit, the Oregon Department of Corrections (ODOC) began to increase the individuals time out of their cells. However, after a period of improvement, the ODOC reverted to keeping the individuals in their cells for 23 hours a day. The ODOC and DRO have come to an agreement that in two years, individuals will be allowed out of their cells for at least 20 hours a week, although this still means they will be kept in their cells for 21 hours a day. In the recently released report, DRO stated new recommendations for the ODOC, including an end to solitary confinement for individuals with mental illnesses and developmental disabilities by December 31, 2019, as well as significant reduction of the use of solitary confinement in general.

The Harvard Law Review [reported](#) that the Third Circuit Court of Appeals came to a decision in *Palakovic v. Wetzel*, which involved a young man, Brandon, diagnosed with serious mental illnesses, who committed suicide after being placed in solitary confinement several times for minor rule violations and being denied mental health services despite his previous suicide attempts. The court ruled that Brandons treatment at Pennsylvania State Correctional Institution-Cresson constituted deliberate indifference, neglected to provide adequate mental health care, and imposed cruel and unusual punishment, in violation of Brandons 8th Amendment rights. This landmark ruling used evolving standards of decency to establish a legal foundation for the unconstitutionality of holding mentally ill individuals in solitary confinement.

The Crime Report [published](#) an interview with Alisa Roth, the author of the recently released book *Insane: Americas Criminal Treatment of Mental Illness*. Roth discusses issues she addresses in the book, primarily the criminalization of mental illness and the lack of an effective mental health system in the United States. Roth condemns the use of solitary confinement in general, but especially for mentally ill individuals. She said, Its a very easy solution to put someone who is being unruly or difficult out of sight and out of mind. I think it speaks to a larger issue: We take people with mental illness, we lock them away, someplace we dont need to see them. If we put them in jail or prison we dont need to see them or step over them on our way to Starbucks in the morning. Solitary confinement is a reflection of that. But it makes everything so much worse.

Seven Days [reported](#) that Jabbar Chandler, a man held at Camp Hill in Pennsylvania, claims that he was placed in solitary confinement in retaliation for writing a story to *Seven Days* revealing the circumstances surrounding the death of another man held at the facility, Herbert Rodgers. Chandler wrote in a letter to an attorney, Since [writing to *Seven Days*], Ive been placed in the hole (pending investigation) until I reached the maximum amount of days they are allowed to detain me (30), then placed on administrative segregation, which lasts as long as they want it to. Chandlers letter sparked a conversation between the Pennsylvania Department of Corrections (PA DOC) and the Vermont Department of Corrections regarding the interstate compact, since Chandler is from Vermont but serving his sentence in Pennsylvania. While Vermont law limits an individuals stay in solitary confinement to 30 days, PA DOC claims that it does not have to follow this time restriction.

The Intercept [reported](#) that of the 1,224 complaints filed against Immigration and Customs Enforcement (ICE) for sexual abuse incidents occurring within their detention facility between January 2010 and September 2017, only 42 investigations have been conducted. An Office of Inspector General investigation of ICE facilities found 33,000 complaints between 2010 and 2016 claiming various forms of abuse in the facilities. The article notes that ICE submitted a request last year to the National Archives and Record Administration to destroy numerous detention facility records, including those regarding sexual abuse, death, and solitary confinement. While ICE claims this is standard procedure, a representative of Freedom for Immigrants said, ICE has no incentive to be transparent about sexual assault happening within its facilities because it would confirm what we already know: that the agency tolerates the abuse of people in detention.

The American Civil Liberties Union and the Southern Poverty Law Center (SPLC) filed a lawsuit against the Mississippi Department of Corrections for barbaric and horrific conditions, failing to provide adequate health care, and imposing solitary confinement at the East

Mississippi Correctional Facility (EMCF), a privately run prison. [According](#) to the *Clarion Ledger*, plaintiffs claim that the prison staff, while aware of health hazards and medical emergencies, continues to allow the conditions to persist. In the cases trial this week, the SPLC attorneys closing argument expressed the danger of placing these responsibilities in the hands of private prison corporations. The result is a place so dangerous and so violent that it shocks corrections experts, yet the department keeps handing taxpayer money to private companies to run the prison and its services, the attorney said.

The *Miami New Times* [reported](#) that more than 8,000 people have signed a new petition calling for an end to the abuse that a group of Somali immigrants face in Floridas Immigration and Customs Enforcement (ICE) facilities. 92 individuals filed a lawsuit after ICE agents, without notice, boarded the group in shackles and slave ship conditions on a plane back to Somalia, which suddenly turned around in Senegal and brought 52 of the individuals to Glades County Detention Center in Florida, where they claim to face beatings, pepper-spray, racial slurs, sexual violence, and solitary confinement. While the lawsuit claims that deportation back to Somalia, based on the current civil war, could constitute cruel and unusual punishment, 18 of the plaintiffs have decided to opt-out of the lawsuit, as they may have preferred the risks of deportation over the abuse in the ICE facility, according to an attorney with Americans for Immigrant Justice. Throughout South Florida last weekend, protestors held demonstrations calling for an end to the inhumane conditions.

Valerie Kiebala 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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