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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](#) | February 3, 2020

The *Boston Globe* [reported](#) that prison administrators locked down the Souza-Baranowski Correctional Center in Shirley, Massachusetts, following an incident on January 10 when three correctional officers were reportedly assaulted. Dozens of incarcerated people interviewed by Prisoners Legal Services reported being locked in their cells all day and all night, only let out for fifteen minutes a day. Some reported physical brutality, denial of showers, denial of legal visits, and inadequate food. State Senator James Eldridge, one of five state legislators who made an unannounced visit to the prison on Sunday, said, [There is] just a real sense of retaliation at alarming rates since the [January 10] attack.

In a related story put out this morning by WBUR public radio, a man held at Souza-Baranowski described one action by a tactical team brought into the prison: They literally took all of our clothes off, stripped us to our underwear and shackled and cuffed us and beat us up. Officers just started tasing me, beating me, punching me, calling me the N-word. And I went to the outside hospital. I got stitches across my face. I have a black eye, busted lip, and my hands are still shaking. The state public defender agency and the Massachusetts Association of Criminal Defense Lawyers filed suit on Friday alleging that incarcerated men at Souza-Baranowski are also being prevented from meeting with their attorneys, in violation of their Constitutional rights. A spokesperson for the union representing prison officers dismissed the various accusations as nonsense, saying of the prisoners, These are bad guys. But one incarcerated man explained to WBUR why he was willing to risk more retaliation to speak to the media: If we can't be heard and our story can't be told, then there is only one story that's put out there, and it's a false narrative that we're all savages, we're animals and we don't have nothing. It's hopeless. He added, It's the environment. Punishment met with more punishment doesn't bring anything except more violence.

The *Washington Post* [reported](#) that video footage evidence has been introduced to a federal lawsuit on behalf of 26-year-old Terral Ellis, a young father who died in 2015 in solitary confinement at the Ottawa County Jail in Oklahoma. The footage verifies the account told by Ellis' former cellmate, who said that Ellis arrived at the jail seemingly healthy but once his health rapidly declined, jail staff denied him medical care and mocked him. In answer to Ellis' incessant, desperate pleas for medical help, jail staff said that Ellis was faking his illness, even encouraging the paramedics not to hospitalize him. Instead of providing care to the visibly ill man, staff placed Ellis in a solitary confinement cell with no toilet, no sink, no bed, and no cellmate to help him. After 20 hours in isolation, Ellis died from septic shock caused by pneumonia, according to the medical examiner. None of the jail staff was ever charged or disciplined for the incident.

[According](#) to *Truthout*, a class action lawsuit has been filed against the Rhode Island Department of Corrections (RIDOC), claiming the use of prolonged solitary confinement on people with disabilities violates the 8th and 14th Amendments as well as the Americans with Disabilities Act. Self-reported data from the department counted over 100 people with Serious and Persistent Mental Illness (SPMI) held in solitary confinement across state facilities throughout an approximately ten-month period in 2018. Charlene Liberty, a woman diagnosed with mental health needs, recalled her repeated placement in solitary at the Rhode Island Adult Corrections Institute: There is nothing positive, only feeling less than human, depressed, unworthy, seeing things on the wall, talking to yourself and wanting to kill yourself. Liberty harmed herself several times in isolation, including diving off the sink and running her head into the door. The lawsuit calls for a ban on solitary confinement for people with SPMI.

The *Providence Journal* [reported](#) that a federal judge found the Rhode Island Department of Corrections (RIDOC) to have violated regulations by holding people in prolonged solitary confinement. Forty-seven-year-old Richard Lee Paiva, who had been held in solitary for 60 days, filed a complaint claiming that the department broke a 1972 legal agreement called the Morris Rules. The rules limit time in solitary confinement to 30 days and mandate a hearing before a three members of a disciplinary board. But in 2005, the RIDOC implemented a policy allowing people to be sent to solitary confinement for 31 days to a year based on a single incident. Attorney Sonja Deyoe, who helped Paiva argue the case, said, [Paiva is] concerned with people being held in segregation more than anything. He's been there and he has really grave concerns about how this affects people.

[According](#) to *Courthouse News Service*, U.S. District Judge Clay Land ruled that the forced labor program, operated by private prison company CoreCivic at the Immigration and Customs Enforcement (ICE) Stewart Detention Center in Georgia, violates the Trafficking Victims Protection Act. This ruling effectively denied a motion from CoreCivic to dismiss a lawsuit filed on behalf of immigrants detained at the Georgia ICE facility. While CoreCivic claims the work program is voluntary, the complaint asserts that immigrants are

threatened with solitary confinement, denial of commissary, criminal proceedings, or overcrowded housing if they do not provide their labor, for which they are paid between \$1 and \$4 a day. A panel of judges has reviewed the case, though it had not announced a date for the decision.

The *New York Times* published an [op-ed](#) by Sarah Gardiner, the policy director for Freedom for Immigrants, about a hunger strike by five asylum seekers currently being held at the LaSalle Detention Center, an Immigration Customs and Enforcement (ICE) facility operated by GEO Group in Louisiana. The hunger strikers are protesting conditions that, according to Gardiner, include overcrowding, medical neglect, sexual assault, barriers to legal access and retaliatory use of solitary confinement. Three of the men have reported being sent to solitary confinement for their participation in the strike, and two of the men have reported being force-fed. Gardiner says the men all have said they will continue their hunger strike, even if it means death. Hunger strikers at several other ICE facilities across the country in the past year have reported a similar staff response of retaliation through pepper spray and solitary confinement.

Public News Service [reported](#) that Washington State Representative Strom Peterson has sponsored a bill to end the use of solitary confinement for youth in the state. Peterson says the legislation has garnered broad support, including an endorsement last week from the Human Services and Early Learning Committee. People want to make sure that our young people are taken care of, so when they reenter society, that they're reentering as health and productive human beings, Peterson said. And that were also, in the short term, protecting the staff that are working at these juvenile facilities. Peterson also expressed a desire to limit the use of solitary confinement in adult prisons.

The Hill [reported](#) that California Assemblyman Rob Bonta introduced AB 732, or the Reproductive Dignity for Incarcerated People Act, which would mandate increased medical and support services for incarcerated pregnant women. The bill would also ban the use of solitary confinement for pregnant women. Bonta introduced the bill following a class action lawsuit filed against the Santa Rita Jail, claiming that one woman gave birth in solitary confinement in 2018 and inadequate medical care had caused three miscarriages. The bill has been approved by the states appropriations committee and may reach the floor for a vote this year.

Marc Levin, the vice president of criminal justice at Right on Crime, wrote an [report](#) for the Texas Public Policy Foundation, breaking down the need for restrictions on solitary confinement across the country. Levin cited examples of states that have successfully reduced the use of solitary, including a prison in Maine that found less isolation resulted in substantial reductions in violence, reductions in use of force, reductions in use of chemicals, reductions in use of restraint chairs, reductions in inmates cutting [themselves] up, according to the former Maine Corrections Commissioner. Thereport provides recommendations for safely reducing the use of solitary, including more data reporting, officer de-escalation training, a cap on the amount of time spent in solitary, and a ban on releasing people directly from solitary, among others.

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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