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Policy Isssue Resources

close

Search

close

close

by Solitary Confinement Reporting Project | September 2, 2020

Kenneth Hartman, an award-winning writer and prison reform activist, served 38 years of a life without parole (LWOP) sentence in California state prisons before his sentence was commuted and he was granted parole and released. While in prison he founded the Other Death Penalty Project to work toward an end to LWOP. During his incarceration, Hartman also spent time in solitary confinement on eleven different occasions, nine of which involved political or prison reform activities. Hartmans work has been published in the New York Times *and*Harpers Magazine*, including a recent piece about life after release from long-term incarceration. He is the editor of the book* Too Cruel, Not Unusual Enough*, an anthology of writings by people serving LWOP.The following article was produced with a grant from the Solitary Confinement Reporting Project, managed by Solitary Watch with funding from the Vital Projects Fund. This piece was originally published on* Medium*.*

After the cell door slams shut in a crash of metal on metal behind the escort guards, I begin my rituals. Pick everything up off of the floor and start cleaning. Use a piece of the broken soap bar and do it with my hands if there isnt a rag available. Ive got to burn off the furious energy threatening to overwhelm me, the rage that wants to start yelling and kicking, calling out into the void for some kind of acknowledgment. Im alone, again, inside of a sealed concrete box with no possible way out. After Ive washed everything off, from the walls and the floor to the bed frame and the toilet bowl, Ill arrange all of my meager possessions into the locker. I need to create some sense of order inside of the disorder of this hole, inside the disorder of my life. I have nothing besides some paperwork that explains the rationale for my placement, and the fish kittoilet paper roll, bar of soap, packet of tooth powder and a cut down toothbrushthats it. When Im done with the work of establishing myself inside of this cell, when Ive expended as much energy as possible, I lie back on the bunk and begin the battle raging inside of me. This is the black heart of the experience, the questioning, the ruminating in the dark searching for some reason to continue this denuded version of a life.

I went through these experiences eleven times in the 38 years of my prison sentence. It never got easier.

The first time I went to the hole, I was thirteen years old, serving time in a juvenile facility in California. Pretty normal for that part of my life and in that place filled with angry boys, it was after a fight. The punishment was called a twenty-four. Twenty-four hours in an empty room without any windows, dressed in your underwear, on a metal bunk with a dirty sheet and a ratty blanket. Like the others tossed in there, I spent the time masturbating, kicking on the door and yelling, and mulling over the misdirection of my life, in about equal measure.

When I first went to the hole in an adult facility, in Los Angeles County Jail, I was confronted with an all-too-familiar experience of isolation and deprivations. The rationale underlying the hole, that deliberately imposed suffering results in some kind of benefit to the person enduring it, or perhaps to the jail itself, or maybe society, never made any sense to me. All I ever got out of it was pain and anger. And profound, debilitating sadness.

In L.A. County Jail, the hole is located in several places and called several different things: High Power is for the permanent placement of notorious prisoners, serious gang members, and various others who had disrupted the system inside of the jail enough to piss off the deputies. Administrative Segregation or ad-seg is the jail inside of the jail. In ad-seg, those charged with an infraction, from violent acts to drug dealing to back talking a deputy, are held pending a disciplinary hearing. Those in ad-seg have not been convicted of any misbehavior inside, which has little relevance to the fact that they are still subjected to a series of punishments and loss of privileges. Then there is 2940, which was known as deep seg. Behind a nondescript door in the main corridor of the second floor on the old side of the jail, behind another heavy steel door with no numbers on it and no window, are four cells behind still more solid doors, into which even light is barred from entry. In these cells the deputies put those they most hated or feared.

One of my closest friends, Silent, was tossed in one of those blackout cells after he took part in a protest inside of High Power. He was there for three weeks in the dark, fighting off the bugs and the stench and the terrifying, deafening roar of utter stillness and isolation. Many years later, before he died far too early, he told me it was like being crushed, that he could feel the darkness squeezing him from all sides. He was a tough guy, a true old school convict, but when he told me about the experience, I saw the flash of fear in his eyes. Together we overcame bad odds and survived brutal battles that could easily have left either or both of us dead on the concrete floors. I had never seen fear in his eyes before that conversation.

The first, and longest, time I went to the hole in the California Department of Corrections and Rehabilitation was for beating a guy up who owed me money for drugs. I was nineteen years old, fresh into the pen, and selling dope for an older prisoner. When Paul failed to meet the deadline for payment, I braced him up and told him he now owed me double. Two weeks later, after a bizarre chain of events that included Paul ratting me out, he paid his debt. The elders (the drug dealers) there at Soledad told me to let it go and continue business. It stuck in my craw.

A couple of months later, after I learned I was being transferred out of Soledad, I saw him walk by my cell. After I ran into his cell, beat the crap out of him, and then passed out his property on the tier to anyone who walked by, I was in the hole. Looking back, this is one of the clearer moments that highlight the depths of my descent into wanton cruelty and madness. I bought and paid for the ticket to that experience in the hole. It lasted about a year-and-a-half.

I was transferred out of Soledad to Folsom about halfway through that first hole term. The administration wanted to get rid of me, and I provided them the perfect reason. At Folsom, I ended up in another hole, smaller cells, bigger block, longer tiers, but the hole, nonetheless. My fellow denizens of this particular hole were of a different sort, thougholder, tougher, much more serious. I finished up my time in the hole at Folsom during that trip. Later, at the prison in Tehachapi, right after I got there, I went to the hole for suspicion of drug dealing. I actually was dealing drugs, so I figure I purchased that ticket, too. But from then on, I only went to the hole for political activities, which is the reason a surprising number of folks are in the hole.

Between 1988 and 2010, I went to the hole nine more times, never for longer than a couple of months, for testifying against the prison in a federal court trial on conditions, for writing letters to politicians, for publishing unflattering articles in newspapers and magazines, for encouraging my fellow prisoners to sign petitions seeking peaceful change to the prison system. The last time happened after every California prison warden, every member of the State Legislature, every California Supreme Court and appellate court justice, and over a hundred members of the media received a packet of information I had written, delivered to them by FedEx on the same day, statewide. The captain on the facility where I was housed called me into his office and said, Ive never heard of the Secretary of Corrections ordering someone placed in the hole before today.

I had managed to rattle them sufficiently that they showed their fear through an irrational act of rage and abuse of authority. That was the least punishing month I ever spent in the hole.

In*Sandin v. Connor*, 515 U.S. 472 (1995), the United States Supreme Court, in one of its more unenlightened rulings, concluded that being placed in solitary confinement is not atypical and significant enough to warrant special protection from experiencing it while serving time in prison. Harsh though that decision was, it was also honest in the not atypical part of its two-pronged analysis. Solitary confinement, administrative segregation, the hole, the box, whatever its called, is a typical part of the experience of prisoners in the jails and prisons of the United States.

But placement in the hole, contrary to the courts analysis, is always a significant event for the man or woman placed there. The only times that suicide ever felt like a viable option to get out from under the long, slow death sentence of life without the possibility of parole happened when I was in the hole.

Research done on the impact of solitary confinement has consistently found that its directly connected to acts of self-harm. In a study conducted by the New York City Department of Health and Mental Hygienein 2014, the results were predictably shocking, but illustrative, nonetheless. After reviewing 244,699 incarcerations in the New York City jails that happened between January 1, 2010, and January 31, 2013, the researchers found that being in solitary confinement, even once, dramatically increased the likelihood of self-harm:

> *Inmates ever assigned to solitary confinement were 3.2 times as likely to commit an act of self-harmat some time during their incarceration as those never assigned to solitary. These inmates assigned to solitary were 2.1 times as likely to commit acts of self-harm during the days they were actually in solitary confinement and 6.6 times as likely to commit acts of self-harm during the days that they were not in solitary confinement, relative to inmates never assigned to solitary confinement.*

Placement in isolation is a feature of most prison systems around the world. Even in some of the super-progressive prisons of Scandinavia, world famous for their fair and reasonable treatment of prisoners, its relatively easy to end up in solitary confinement, with all its attendant negative consequences. While Norway largely eschews most uses of solitary, it is still common in Denmark. As a recent study described it:

> *Prisoners in Denmark experience a range of forms of isolation, from pre-trial isolation in jailsto day-long segregation in work roomsempty cells or classrooms where prisoners spend the work day if they refuse a work assignmentto week-long disciplinary isolation for getting caught with drugs in prison, to months-long administrative isolation (called exclusion from association) for escape attempts, attacks on staff, or more serious threats to institutional safety and security. Every high-security unit we visited also included a restraint cell usually a windowless room stripped of everything but a table with leather straps for placing prisoners in four-point restraints. The conditions in Danish isolation cells vary. Sometimes, there is a window with a view of the prison grounds, a toilet, and shower in the cell, as in the countrys newest prison facility, Enner Mark, which opened in 2006. Enner Mark has two-dozen long-term isolation cells and multiple other units with the ability to segregate prisoners into self-contained groups as small as six. Isolation cells in other prisons have only a slit for a window and no shower or even toilet in the cell, as in some of the countrys older facilities, like Vestre (the central jail in Copenhagen) and Politigarden (the countrys 25-cell, highest security isolation unit, also in Copenhagen).*

The differences between the practices in these more progressive nations and those in this country are two-fold: (1) The conditions of solitary confinement in this country are deliberately and excessively inhumane; and (2) the lengths of time prisoners are held in solitary confinement in this country are longer, by orders of magnitude, than anywhere else in the developed world. As noted in a recent United Nations Report, By any measure the use of solitary confinement in American correctional institutions is a global outlier and human rights crisis.

Nowhere else are human beings held in solitary confinement for decades, literally, and nowhere else is solitary confinement so widely applied. The Los Angeles County Jail system, a jurisdiction with roughly double the population of Denmark, holds hundreds of men and

women in solitary confinement daily; Californias prison system holds hundreds more in the hole from Los Angeles County. A twenty-five-cell super max unit wouldnt cut it here. That this causes real harm to human beings is beyond dispute, and its been beyond dispute for at least a couple of centuriesin the English-speaking world. In the article Prisoners of Solitude: Bringing History to Bear on Prison Health Policy,Margaret Charleroy and Hilary Marland write: In the 1838 report of the Prison Discipline Society, the Effects of the System of Solitary Confinement, Day and Night, on the Mind was included as [a] subcategory of discussion, one that was retained through the following decade. Their argument was simple: isolation produced higher rates of mortality and insanity among prison inmates.

And there were odd and unexpected acknowledgments of the cruelty everywhere I served time. In L.A. County Jail, when I was in the hole there in the early 1980s, there was a policy that forbid being on a so-called disciplinary diet, what were called jute balls, for more than seven straight days. On Sunday morning, every Sunday morning, the regular breakfast served everywhere else in the jail was brought into the hole and served to us like an unearned gift. This odd concession to humanity was observed with tremendous seriousness, as if the deputies saw themselves performing penance for the other twenty meals a week of a compressed loaf of miscellaneous food parts. That it was on Sunday struck me then, and still in retrospect, as an act rooted in unconscious cultural religiosity.

This better meal was an exceptional event in the daily rituals of humiliation and degradation that characterized the experience of solitary confinement: constant strip searches and cell searches, daily failures to provide the services that we were, allegedly, entitledaccess to medical attention, visiting, reading materials, law library, and on and on.

This failure to adhere to all of the regulations, as written, happened in every hole I ever spent time in over the years of my imprisonment. The most fundamental of these rules, always violated, was the duty of the guards to protect the prisoners housed in their hole. In 1992, after I testified in a federal court trial about the conditions at the prison I was then confined in, telling the truth about the lack of adequate medical care, I was placed in the hole on the bogus charge of inciting a riot. (I had not, in any conceivable way, attempted to incite any prisoner to do anything. I had, rather, incited the administrators of the prison I testified about to retaliate against me.) Once in the hole, I was placed in a cell by myself.

We were double celled with another prisoner after we were taken before a committee and classified. This was the normal course of events. Generally, the guards would come to your cell and ask if you had any friends or acquaintances you could live with. If you had none of these, they would provide you with a few options. The general goal was putting two grown men in a small concrete box with the least likelihood of one murdering the other one.

Instead, I was moved into another guys cell who had a history of cell fights, who was 66 tall, and who was in the process of prosecution for assault on guards in the same hole. The intended outcome was that one of us would attack the other, maybe someone would die, and since we were both on the general shit-list, it was a win for them. Luckily for me and Mark, we both saw through their plan easily and made a quick truce to get along in spite of them. And, despite their efforts, we became great friends who remained cellmates until he paroled a year later.

Unfortunately, dirty and unethical moves are too often successful in their attempts to provoke violence, which results in untold numbers of men being hurt and killed. The guards will hide behind the faade of It wasnt our fault. Very rarely are they held to account for actions intended outcomes.

Occasionally, this is upended on them, probably most famously on the gladiator fights debacle in the late 1980s through the early 1990s in the solitary confinement units at Corcoran State Prison.*The Los Angeles Times*reported on a case settled by the State of California for $2.2 million to a prisoner shot and paralyzed in a fight set-up by the guards, which was one of numerous other settlements paid out to victims of these so-called gladiator matches.

> *It wasnt until last year [1998], when a series in the [Los Angeles]* Times *detailed the failure of state officials to stop the shootings, that a new review was ordered. An independent panel of law enforcement officials examined 31 deadly and serious shootings at Corcoran and found that nearly 80% were not warranted. Since the articles, not a single inmate has been shot or wounded in California.*

Serving time in solitary confinement has a lasting impact, and thats a fact proven by harsh experience for more than two centuries in this country. More recently, as challenges to the imposition of long-term stays in solitary confinement were made in the courts, brain science has corroborated what commonsense has always told us. In the*Ashker*case, which challenged the conditions and regulations governing Californias justifiably infamous Pelican Bay State Prisons Security Housing Unit, a neuroscientist named Matthew Lieberman, the director of the Social Cognitive Neuroscience Laboratory at the University of California, Los Angeles, and author of the award-winning book *Social: Why Our Brains Are Wired to Connect*, submitted a report to the court. Attorney Jules Lobel and neuroscientist Huda Akil discuss the report in a journal article titled Law and Neuroscience: The Case of Solitary Confinement:

> *Lieberman started his report with theproposition that it is considered settled science within the field of psychology that humans and all mammals have a fundamental need for social connection. Lieberman then described the neuroscientific contribution to understanding social connection as a basic need. He summarized that the brain has a neural system that registers various kinds of physical paineach linked to a potential survival threat (loss of food, water, shelter). My lab and others have observed that when individuals are in a socially deprived state, they experience social pain, and this produces neural activity consistent with it being a form of pain. To Lieberman, his neuroscience research, along with the work of others, provides compelling evidence that the social pain of isolation involves the same neural and neurochemical processes invoked during physical pain. Indeed, fMRI studies that he conducted in collaboration with psychologist Naomi Eisenberger demonstrated that when people were subjected to social isolation, it affected neural activity in certain cortical regions of the brain associated with physical distress, in the same way physical pain would. Liebermans study has been replicated dozens of times in labs around the world. Lieberman concluded that the social pain caused by isolation is not metaphorical pain but has a physical effect on brain activity causing the brain to signal distress.*

Added onto the clear, permanent risk of emotional and psychological harm are the unfair racial disparities of solitary confinement. Studies conducted by the Association of State Correctional Administrators (ASCA) and the Liman Center for Public Interest Law at Yale

Law School,, and reported on by The Marshall Project, found:

> *Demographic data from thesurvey shows that on average, prisoners of color were slightly overrepresented in solitary confinement when compared with the overall prison population. But in some states, this disparity is particularly stark. In California state prisons, Hispanic men make up 42 percent of male prisoners, but 86 percent of male prisoners in restricted housing. The length of time prisoners spend in solitary confinement also varies greatly from state to state. The largest portion of inmates29 percentwere there for one to three months. But nearly 3,000 prisoners across the country have been in solitary confinement for six years or longer. More than half of them are in Texas.*

These statistics need to be put into the context that all people of color, particularly black people, are grossly overrepresented inside of the prison systems of this country. Black people make up about 14 percent of the total U.S. population, but more than 40 percent of the male prison population, and more than 45 percent of male prisoners in solitary confinement.

In another of the many unfair aspects of the use of the hole in the prisons of this country, among the meanest spirited is the prevalence of men and women with serious mental health conditions held in solitary for, essentially, being mentally ill. As Craig Haney, one of the most respected experts on the subject, wrote seventeen years ago:

> *Supermax prisons inflict varying amounts of psychological pain and emotional trauma on prisoners confined in them. The range of psychopathological reactions to this form of confinement is broad, many of the reactions are serious, and the existing evidence on the prevalence of trauma and symptomatology indicates that they are widespread. The mental health risks posed by this new form of imprisonment are clear and direct, exacerbated by the tendency of correctional systems to place a disproportionate number of previously mentally ill prisoners in supermax confinement, to ignore emerging signs of mental illness among the supermax prison population, and to fail to provide fully adequate therapeutic assistance to those prisoners who are in psychic pain and emotional distress.*

A new study conducted by the ASCA/Liman Center and published in October of 2018 found 4,153 seriously mentally ill male prisoners held in restrictive housing among the 43 states providing data.This means there are probably more than 6,000 men and several hundred women who already have serious mental illness languishing in conditions that are known to cause mental illness.

In my experience, both of serving relatively brief periods of time inside of solitary confinement units and in interacting with many men who had spent decades inside of them, a few issues are clear. Any of us who were subjected to solitary confinement were damaged by the experience. Solitary confinement units are designed to harm people, to damage them and break them down. This should not happen in a civilized society, and it is happening to thousands of men and women right now.

Looking back over the years, I spent about 40 months in the hole out of 454 months in prison. Thats a little less than 9 percent of my term served inside of an empty concrete box, looking at a blank wall, swimming in the terror of isolation and loneliness, contemplating and questioning my rationale for being alive. Objectively, thats a terrible reality. But in the insane world of American corrections, the facts of my solitary confinement are relatively minuscule and insignificant. Thinking about living in the hole, talking to others who have endured far more, writing about what getting out of prison after time in the hole is like, my 40 months doesnt warrant a mention compared to the many years served in the hole by multitudes of prisoners. My longest stretch was a year-and-a-half; I cant imagine what decade after decade would have been like, what navigating that rocky stream of time would have imprinted on the shape of my soul and spirit.

Its hard not to grow despondent and frustrated thinking about this reality inside the prisons of this country. Long after much of the rest of the world abandoned the purely punitive approach to dealing with crime and imprisonment, this country clings to its outmoded ways with a tenacious ignorance. At last count, at least 61,000prisoners in the United States were serving time in solitary confinement.

What Ive learned in the process of interviewing men who survived those decades in the dark is that the human spirit can defeat the worst impulses of humans. Sometimes. The deeper truth is there are countless others who did not survive it, who languish in the shadows and suffer, still.

The prophets of punishment for the sake of inflicting pain will never be called to account for the harm theyve caused. I watched the evil of their experiment in ratcheting up the suffering in prisons in this country from inside the horror they created. I saw the damage of their ideas brought into reality inside the hearts and minds of those who were broken on the wheels of torture that hid behind a faade of normalcy and theory. These educated people surely knew the history of solitary confinement, knew the well documented effects on humans subjected to its rigors and deprivations.

None other than the great English writer Charles Dickens, way back in 1842, after touring Eastern State Penitentiary in Pennsylvania, considered the birthplace of modern solitary confinement, wrote:

> *I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers; and in guessing at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature. I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore the more I denounce it, as a secret punishment which slumbering humanity is not roused up to stay.*

Or, as Paul Bocanegra put it more recently, in an interview conducted eighteen months after the end of his twelve years in solitary confinement in 21st century California:

> *The whole thought process behind these controlled environments is to correct behavior and, normally, where thats done theres a pattern to it from when they used to beat people and humiliate people using corporal punishment to do so. Theyve moved away from*

the actual physical aspect where theyd put you in a cage. But then they build places like the Security Housing Unit and then draft policies and implement them to give them a reason to test these out on people. It doesnt surprise me that Guantanamo Bay has a lot of the same set-up we have in the CDCR, the dog kennels, all of it. Its a goddamned shame and its a terrible practice. Its just cruel to do that to human beings.

The Solitary Confinement Reporting Project awarded grants to journalists on both sides of prison walls to report on solitary confinement.

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 Solitary Confinement Reporting Project

February 24, 2022

by Solitary Confinement Reporting Project

February 8, 2021

by Solitary Confinement Reporting Project

January 28, 2021

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