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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 22, 2020

The *Washington Post* [reported](#) that attorneys visited the DC jail unannounced last week under a court order to inspect the conditions and health care precautions being taken. Of the 1,442 people held in DC custody, 452 people or one-third are held in isolation, where they are prohibited from showering or cleaning their cells. One of the inspectors, Mark Jordan, said that people under quarantine in the jail say that the isolation is far too punitive and that placement in solitary confinement is plainly a disincentive to deter future reporting of symptoms. The attorneys said that the facility lacks the necessary sanitation equipment. In an [interview](#) with the *Washington Post*, public defender Amy Phillips described her observations during her visit to the jail and said that everyone at the jail will soon be locked in their cells for all but 30 minutes a day. Phillips said, We don't have the death penalty in the District, but that's going to be the end result for a lot of people if we don't make radical changes.

A federal judge approved the [settlement](#) of a lawsuit filed against the Pennsylvania Department of Corrections by the ACLU National Prison Project, ACLU of Pennsylvania, and the Abolitionist Law Center on behalf of people sentenced to death in the state. The lawsuit claimed that the automatic placement of people with death sentences in solitary confinement in Capital Case Units (CCU) violated the 8th and 14th Amendments. Previously isolated in their cells for 22 to 24 hours per day, people in CCU must now be held in general population and receive at least 42.5 hours out of their cells per week. Additionally, people in CCU will no longer be strip-searched, shackled, tethered, or physically restrained when moving about their own prison unit. The judge ordered an independent overseer to monitor the implementation of the agreement.

KERA News [reported](#) on the conditions in a prison in Texas called the Federal Medical Facility Carswell, subjected to the federal-wide system lockdown instituted for at least two weeks. Mendy Forbes, a woman held at Carswell, said, We have run out of toilet paper, we have run out of pads. We've had no soap for our bathrooms. It is crazy. We get out one time a day for ten minutes. We walk to the chow hall, we get hot lunch and we come back with bologna every night. Forbes, who her father says was sent to solitary confinement after she disclosed the prison's conditions to the media, described staff walking between the quarantined unit and her unit, the phones not being sanitized, and women sleeping four to a cell and less than three feet apart. Across the federal system, eight people have died from the virus.

The *Star Tribune* [reported](#) that the ACLU of Minnesota and Public Defenders Office sued the state's Department of Corrections, calling for the release of three people incarcerated at Moose Lake Prison amid the deadly danger posed by the virus. Twelve incarcerated people have tested positive at the prison, and 31 more people show symptoms of COVID-19. Terrell Davis said he was placed in solitary confinement after showing symptoms of the virus. Despite pleading to be tested, he was never tested. I was being disciplined, Davis said. The fear of being placed in solitary confinement deters people from reporting symptoms of the virus. The lawsuit calls for increased health care measures, a court-appointed monitor, and the immediate release of three people showing symptoms of the virus.

Jean Troustine published a six-day [journal](#) from Shawn Fisher, a man held at Old Colony Correctional Center in Massachusetts, during a fourteen-day lockdown due to COVID-19. Fisher describes the heightened tension, lack of transparency, and inadequate medical precautions being taken to prevent the spread of the virus. We're all locked down for fourteen days. Most of us with cellmates, Fisher wrote. The powers that be: in their infinite wisdom, have decreed that while we sleep we shall have our heads at opposite ends of the bunk in an effort to observe social distancing as we count sheep. Never mind the fact that we're locked in a 6 x 10 cell together for 23 and a half hours a day using the same toilet, sink, desk, and in some cases cook together.

Now This and *The Appeal* collaborated to release a [video](#) of Shaka Senghor and Ian Manuel, two formerly incarcerated organizers who spent time in solitary, relaying advice for people sheltering-in-place. Manuel spent eighteen years in solitary, beginning when he was fifteen years old. Most working-class Americans, they have no knowledge of how to get through solitude, he said. As a child, I had no knowledge. I had to lean on my imagination. Manuel recommended video chatting friends and family through Skype, a tool of communication unavailable to people in solitary. If this is something that you feel distraught through, staying in your house for two to three weeks, just imagine, you know, people that are in prison who don't deserve to be in solitary confinement for years being warehoused like canned goods, you know? Imagine what they have to go through, Manuel said.

The Atlantic published a [piece](#) about the extreme effect that boredom has on humans when used as carceral punishment in solitary confinement. People in pop culture have made comparisons between the boredom of sheltering-in-place and that experienced in a jail cell, but the severity of boredom in solitary is an entirely different monster. Steven Czifra, who spent eight years in solitary confinement starting when he was thirteen years old, said, Boredom in a solitary-confinement cell is not like boredom anywhere else. Because if you are bored in a solitary-confinement cell, it means you have exhausted all of your remedies its not boredom, its despair because there is no hope of alleviating it. The author concludes, Sheltering in our homes doesnt compare to the inhumanity of punitive confinement, but it presents a unique opportunity to rethink the conditions to which no human should be subjected.

The Marshall Project published an [article](#) by formerly incarcerated reporter, Keri Blakinger, examining the nationwide lockdown of all prison systems, now affecting over 300,000 incarcerated people. Blakinger discusses the deeply damaging effect that prolonged lockdowns have had historically, namely the 1995 lockdown of four federal prisons in response to a riot. While the federal Bureau of Prisons claims the enhanced modified operations used today in response to COVID-19 does not constitute a lockdown, attorneys have reported people locked in their cells for over 22 hours a day. University of California, Irvine professor Keramet Reiter cautioned against a relapse similar to that of the lockdowns in the 1960s and 1970s that normalized the use of solitary confinement and supermax prisons. This could be a moment where we could very quickly reinstitutionalize it, Reiter said.

The Justice Gap spoke with two survivors of solitary confinement Patrick Maguire and Lee Cutter, on an episode of the Unjust Podcast, entitled [A prisoners guide to self-isolation](#). Maguire, first imprisoned as a fourteen-year-old, said he was held in solitary confinement for his first month in prison. It still haunts me to this day, Maguire said. Everything in that room, that cell, was hostile to me. I wouldnt wish that on anyone. Cutter described the five months he was held in solitary confinement when he was eighteen years old. Only allowed out of the cell twice a week, Cutter said, You get a piece of toast, jam, a small bag of cereal, milk, a teabag and sugar. The officer would kick them into your cell and lock you back up Maguire believes that the societal lockdown provides a window into what life is like on the inside.

The Resurgent published an [opinion piece](#) written by Marc Levin, the Chief of Policy and Innovation at Right on Crime. Levin warns against allowing the COVID-19 pandemic to reverse the recent solitary confinement reforms and revert to the use of lockdowns without providing necessary medical care and social-distanced human interaction. While separation may be necessary to curb the spread of the virus, Levin points to the guidance from the Centers for Disease Control distinguishing between punitive isolation and medical solution. Accordingly, Levin writes, those isolated because they tested positive for COVID-19, or believed to be positive, should retain opportunities for recreation with proper social distancing and access to personal items. Ultimately, Levin calls for more holistic strategies to preventing the spread of the virus in prisons and jails.

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.

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October 12, 2022

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October 5, 2022

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