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Restricted Movement Units Are Posed As an Alternative to Solitary But the Isolation and Deprivation Persist

by [Victoria Law](#) | January 14, 2020

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If he took 13 steps in his size 11 shoes, Brandon Serna had walked the length of his cell. If he took more than six steps, he'd walked its width. For more than one year, the 40-year-old spent over 16 hours each day locked in this cell with his 30-year-old cellmate.

This is life in the restricted movement unit (RMU) at Indiana's Wabash Valley Correctional Facility. In Indiana, solitary confinement, defined as being locked in a cell for at least 22 hours each day, is known as Administrative Restrictive Housing Status, or ARSH. The restricted movement unit, which those held inside refer to as G-ARSH, is not considered solitary confinement, though its inhabitants spent at least two-thirds of their time locked in a cell, and face other deprivations similar to those in solitary.

Like state prison systems around the country, Indiana has faced challenges to its use of solitary confinement. Like some of those other states, Indiana appears to have responded, in part, by holding people in conditions that skirt legal definitions of solitary confinement, but remain highly restrictive. These alternative units often lack even the scant protections offered to those in solitary, such as regular reviews and mandatory mental health screenings.

In 2016, the Indiana Department of Corrections [reached a settlement](#) in a lawsuit brought by the ACLU of Indiana and the Indiana Protection and Advocacy Services Commission on behalf of incarcerated people with mental illness held in isolation units across the state. The settlement prohibited placing people diagnosed with serious mental illness in restrictive housing or protective custody. Under the settlement, prisons [must provide at least 10 hours of therapeutic out-of-cell time](#) per week.

But the settlement appeared to have little immediate impact on the use of solitary confinement overall. As of the end of 2017, Indiana prisons held [1,741 people \(or 6.6 percent of the states prison population\)](#) in restricted housing, compared with 1,621 (or 5.9 percent) in 2015. In 2017, [slightly over 350 people had been in isolation for six months to one year](#), 627 had been isolated for more than one year, and 115 for more than six years.

Those numbers on their own place the percentage of people in restricted housing in Indiana well above the national average, which hovers at about 4.5 percent. But in addition, people such as Serna also face the possibility of being placed in restricted movement, or RMU, which doesn't get counted as part of that percentage.

In Indiana, [246 \(nearly 1 percent\) were confined to their cells 20 to 21 hours each day](#) and another 640 (2.3 percent) for 16 to 19 hours. In total, 2,507 (9.1 percent) of individuals incarcerated in Indiana's prisons spent at least 16 hours each day confined to their cells.

### Without Cause

Restrictive housing, or ARSH 22-hour-a-day solitary confinement is supposed to be reserved for people [who pose a threat to others in the prison or to the prisons orderly operation and security](#). This could include a person who has a history of assaultive behavior, or is an active prison gang member, a high escape risk, or the subject of an ongoing investigation. Their ARSH placement is reviewed every seven days for the first two months and, after that, every 30 days. In November 2019, the MacArthur Justice Center [secured a \\$425,000 settlement](#) with the Indiana Department of Corrections on behalf of a man who had spent four years in solitary without a clear explanation and without meaningful reviews.

The standards for placement in an RMU appear to be much looser. Despite its name, the G-ARSH unit is not considered by the Indiana Department of Correction to be a restrictive housing unit. Margaux Auxier, communications director for the Indiana Department of Correction, told Solitary Watch/Truthout that the unit is a restricted movement unit for people who are considered disruptive or who have been issued Class A or B conduct reports for serious rules violations (a nine-page list which includes battery, rioting, possessing contraband, escape, sexual contact, engaging in a group demonstration or work stoppage, and filing a frivolous claim). It can also be used as a transitional unit (or stepdown) between restrictive housing and general population.

But people need not break a prison rule or have a history of disruptive behavior to find themselves on restricted movement. Placement in an RMU can also be an administrative decision. Offenders may be admitted to a restricted movement unit upon administrative request or based on facility need, Auxier wrote in an email. In other words, a person need not have violated a prison rule or be considered a threat to prison security; placement in this unit might occur if there is simply no room in the prisons general population housing units.

In addition, it appears that people can be placed in an RMU without a prior mental health screening to determine whether isolation will adversely affect them. In response to questions about screenings before RMU placement, Auxier simply stated, Mental Health services are available and all offenders are provided mental health evaluations/treatment by request or as deemed necessary per policy. (The facility directive about the restricted movement units does not mention pre-placement mental health evaluations.)

[A 2017 lawsuit](#) that charged prison officials had converted a housing unit into the RMU to temporarily place people whose behavior required an excessive amount of attention from correctional staff. Staff members could recommend placing men whom they deemed a threat to the safety of themselves, other incarcerated people, staff members or even the facility's property, even if they had not recently broken any rules. The suit charged that the prisons unit manager asked his staff to make recommendations regarding which inmates would be suitable for the more restricted environment, especially by considering those inmates who had a history of conduct issues.

The lawsuit was filed by Kevin Hampton, one of the men who had been placed in the RMU not for any recent rule violation but because he had [a history of conduct issues](#). He spent five months on that unit. During his second placement review, all five review board members recommended that he be returned to general population; he was moved, and his lawsuit was later dismissed.

As far as Serna knows, he's never violated prison rules. He says that hours before he was transferred to the restricted movement unit, a prison caseworker had conducted an annual classification hearing for Serna and recommended no change in his placement or job, a coveted industrial sewing job through the Prison Enterprise Network where he was allowed to keep half of the \$10.54 hourly wage. (The other half was garnished by the prison for room and board, federal and state taxes, and the states victim compensation fund.) At 7:45 that morning, Serna was informed of the results of the review and signed the accompanying paperwork.

Less than three hours later, he was moved to the G-ARSH, losing his sewing job in the process. The unit was on lockdown and so Serna spent a week locked in his cell.

Puzzled, he wrote to prison staff and administrators asking why he had been removed from his job and transferred to that unit. He had had no write-up (or ticket specifying that he had broken any of the prisons rules). He had not been through a hearing.

One month later, in October, he was told that he had been suspected of being involved in making an unauthorized financial transaction with other offenders or their friends/family members. Serna requested a copy of the evidence that had been used to justify his placement allegedly a call he had made on the prisons phone system and was denied. He was found guilty by a hearing officer. Later, he learned that his placement in the restricted movement unit had been recommended by four prison officials, including a unit manager and assistant superintendent, and approved by the prison superintendent in September, two weeks before he was issued his [hearing report](#).

Serna appealed twice; each time, he was denied. He filed grievances, which were also denied, as well as a habeas corpus petition in federal court, which was dismissed because the court lacked jurisdiction over state prison matters.

For the next thirteen months, Serna spent most of his days locked in his cell. He was allowed ten minutes out for each meal, which he could eat with other men on the unit, and two one-hour recreation periods. He was able to leave his cell for church services, though four days a week, these services conflicted with his outdoor recreation time. On those days, Serna had to choose. He made each days decision based on whether attending church would prevent him from getting a shower, which he could only do during the rec period. He was not allowed to visit the law library. If he wanted to access legal material, he had to fill out a request for specific material and wait for a photocopy of the requested procedure, case law or statute to be delivered. Then he has 10 days to review it before it is returned to the law library.

In October 2018, one month after Serna was sent to the G-ARSH, 39-year-old Grandon Reed was sent to the unit for six months after being found guilty of allegedly threatening an officer. Though Reed has spent time in isolation in the past for breaking prison rules, this time he insists that the misconduct report was false and vindictively written after he had what he calls a difference of opinions with a prison counselor.

In December 2018, Reed filed a writ of habeas corpus challenging his placement with the federal district court of southern Indiana. He also appealed within the prisons internal appeals process.

Five months later, on March 28, 2019, he received notice that his misconduct report had been dismissed; he would be returned to general population and issued back pay for missed work. However, while he was confined to restricted movement, his sanitation job on the special needs unit had been taken; he was assigned to a different job which paid 15 cents (as opposed to the 25 cents he had received previously) per hour on another restrictive housing unit. Nearly three months later, in June 2019, the court dismissed Reeds petition, citing lack of jurisdiction.

## **No Limits**

There is no fixed time period for which people are placed on the G-ARSH unit. An offender assigned to the unit for administrative reasons shall be eligible for review every six (6) months beginning from the date of assignment, Auxier explained via email. Offenders being released from any restricted housing assignment shall be reviewed on a case by case basis by the assigned Unit Team Manager to determine if assignment to a restricted movement unit is appropriate. Offenders denied reassignment after their initial review shall be eligible for review, every three (3) months.

As far as Serna knows, he received no review during his entire 13 months on the restricted movement unit.

He also states that he never received a mental health evaluation, either before or during his placement though prison communications

director Auxier told Solitary Watch/*Truthout* that mental Health services are available and all offenders are provided mental health evaluations/treatment by request or as deemed necessary per policy.

On September 4, 2019, prison officials conducted their annual classification review for Serna. Because he is now within 10 years of his first parole eligibility date, his security level was dropped. In October, after thirteen months in the restricted movement unit, Serna was transferred to Indianas Reception Diagnostic Center, the intake center for people newly sentenced and entering the states prison system. The prison has [no programs](#). Instead, Serna recalled that he spent the days locked in his cell playing spades with his cellmate.

Now at Westville Correctional Facility, a medium-security prison in the northern part of the state, Serna is relieved to be closer to friends and family in South Bend. He is in general population and has just started working in the prisons laundry, but he hasnt forgotten his 13 months in the RMU.

These units do far more harm than ANY possible good, he wrote, noting that the extended isolation can cause a persons body to physically deteriorate from lack of movement while the lack of social interactions can lead to withdrawal, mental health complications and suicidal ideation.

Instead, of isolating people for extended periods of time, whether through restrictive housing or restricted movement, Serna believes that the prison needs to create programs that address the root causes of peoples behavioral problems. The RMU, he says, does the opposite. Throughout my incarceration, Ive crossed paths with many who spent time in these units and became more violent, aggressive, and less motivated to (re)habilitate as long as they (we) know we can be snatched up at any time without cause.

Victoria Law is a freelance journalist and author focused on incarceration. Her books include *Resistance Behind Bars*, *Prison By Any Other Name*, and *"Prisons Make Us Safer"* and *20 Other Myths About Mass Incarceration*. She tweets @LVikkiml.

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