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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](#) | January 14, 2019

The *Charlotte Observer* [reported](#) that the new sheriff of North Carolinas Mecklenburg County, Garry McFadden, has formally closed the disciplinary detention unit at the county jail, which used to hold teenagers in solitary for 23 hours a day and deny them access to phone calls, visitors, books, and classes. McFadden explained his reasoning for the change: We could do all this punishment all day. But then they're still going to come out into the neighborhood. We're just trying to prepare somebody to re-enter society. Let's start now. Youth now spend at least seven hours a day outside of their cells and their access to visitation, phone calls, and education has been restored. One detained youth said that the closure of the unit turned [his] whole life around.

For years before the Trump administration's policy of separating immigrant families and detaining their children, kids have been taken from their families and locked up in the U.S. juvenile justice system, where they often face sexual assault, rape, excessive force, solitary confinement, pepper spray, and even death, [writes](#) Ethan Brown in *The Appeal*. [For example](#), the Cook County Juvenile Temporary Detention Center in Chicago placed children in solitary over 55,000 times in the span of two and a half years. Currently, around 60,000 children are detained in the U.S. juvenile and adult criminal justice systems, and the number of children held in the immigration detention system continues to rise, [reaching](#) 12,800 as of September.

The *Atlanta Journal-Constitution* [reported](#) that the Georgia Department of Corrections agreed to the settlement of a lawsuit regarding treatment of people held in the special management unit, or SMU, at the Georgia Diagnostic and Classification Prison. The suit argued that the prison's severe conditions of solitary confinement caused irreversible and even fatal psychological harm, according to psychology professor and expert witness Craig Haney. (Solitary Watch [wrote about](#) the prison back in August 2018, noting that its solitary unit qualified as possibly the worst in the nation.) Southern Center for Human Rights attorney Sarah Geraghty said, The isolation from other human beings was almost total. Some were kept for months in darkened cells. The settlement requires staff to allow incarcerated people to spend four hours a day outside their cell, as well as provide access to educational programming two hours a week.

[According](#) to an article in the *ABA Journal*, in the state of New Hampshire, mentally ill people with no criminal charges can legally be placed in the state prison system. The piece examines the case of Andrew Butler, a 21-year-old with schizophrenia, who was placed in the Secure Psychiatric Unit (SPU) at the New Hampshire State Prison for Men in 2017, despite never having been charged with a crime, because he needed a higher level of mental health care than hospitals could provide. In the SPU, Butler faced solitary for 23 hours a day, was tasered, denied contact visitation with his father and lawyer, and only received group therapy in a 410-foot metal cage. Though Butler returned home several months later, his father said, He will have a lot of PTSD to deal with the rest of his life from all of his time in the SPU. While people with mental illness across the country frequently land in jail for minor crimes related to their disabilities, New Hampshire is the only state that allows incarceration in state prisons of mentally ill people who have not even been charged with a crime.

[According](#) to *Shadowproof*, 35-year-old transgender woman, Candice Crowder, filed a lawsuit claiming that her 8th and 14th Amendment rights were violated when she was assaulted by correctional staff, denied medical attention after being raped, and placed in solitary for nine months in the custody of the California Department of Corrections and Rehabilitation (CDCR). Crowder says she was placed in solitary for a rules violation report when she reported the rape and later because staff said she posed a threat to the safety and security of the institution, staff, and inmate population, which Crowder's lawyer says is common reasoning used in the solitary placement records of transgender prisoners. Crowder suffered seizures after again being placed in solitary following a brutal assault by an ex-boyfriend with a box cutter. I am not alone in this struggle, Crowder said. Transgender prisoners are systematically abused behind prison walls.

WLRN published an [interview](#) with Melissa Duncan, an attorney with the Legal Aid Society of Palm Beach County, which filed a class action lawsuit against the Palm Beach County Sheriff's Office in Florida for holding youth in solitary confinement for 23-24 hours a day for weeks and months at a time and denying them adequate education. Some of the children engaged in self-harm, including one child who cut himself just so that he could leave his cell. The lawsuit led to a settlement, in which the county agreed to end the use of solitary, provide educational programming outside of the cells, and allow daily showers. Despite this agreement, the county has yet to acknowledge that they previously imposed solitary on youth, only referring to it as segregated housing.

An [op-ed](#) published in *NJ Spotlight* called for New Jersey residents to pressure their representatives to pass the Isolated Confinement

Restriction Act Assembly bill 314 and Senate bill 3261 which would mandate medical and mental health examinations for people in solitary, prohibit the use of solitary confinement for more than 15 consecutive days, and prohibit any use of solitary on vulnerable populations, including youth under the age of 21, people over the age of 54, pregnant women, people with psychiatric and developmental disabilities, and people with serious medical conditions. The article notes that 1,500 people are currently held in some form of solitary on an average day across New Jersey jails and state prisons.

The *News & Observer* [reported](#) that the 2019 Virginia General Assembly will vote on three bills that would require the Department of Corrections to document and annually report data regarding the length of time people are held in solitary confinement, the demographics of those held in solitary, and treatment provided to people with disabilities in solitary. Last year, the ACLU of Virginia reported that the Virginia DOC was holding 800 people in restrictive housing, or solitary, for 22-24 hours a day. David Smith, formerly held in solitary, shared his experiences at a news conference, including the story of a man who was held in solitary for having too many stamps. But Smith said, These are just anecdotes. Without the numbers, how do we know the truth? That's the point of this legislation, just so we can get that understanding of what's happening in our prisons and what we can do better.

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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