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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 20, 2020

NPR [obtained](#) the findings from a 2017 investigation by the Department of Homeland Security's Office for Civil Rights and Civil Liberties of the Immigration and Customs Enforcement (ICE) Adelanto Processing Center in California, operated by the private prison company GEO Group. The report found the facility in violation of ICE standards for several reasons, including the use of solitary confinement, use of pepper spray, retaliation, and dangerously negligent medical care. The report determined staff had no current strategy with regard to the use of prolonged isolation, and in one case, an immigrant said he was held in solitary for 904 days. About a third of the people held in solitary were found to have a serious mental illness. Despite the reports condemnation, ICE recently renewed its contract with GEO Group for another fifteen years, effectively circumventing a state law banning private companies from operating prisons and detention facilities and expanding the facility by over 700 beds.

[According](#) to the Incarcerated Workers Organizing Committee (IWOC), a group of sixteen people incarcerated at Central Prison in North Carolina have announced they will begin a hunger strike today to protest the mistreatment of 200 prisoners in a mental health unit at the prison. The IWOC reported that officers have been spraying chemical mace into the unit daily and deploy an excessive amount into the prisoners small cell at the slightest disagreement in violation of the rules. Officers also reportedly have been ravaging peoples cells when they attend the mental health group, throwing their property around the cell. Additionally, medical staff has been allegedly neglecting to provide people with their medication and take months to answer sick calls. The IWOC writes, This medical neglect and excessive use of force towards the most vulnerable population in Central Prison is cruel and unusual torture and a human rights violations.

[According](#) to NBC News, 45 Democratic Congress members, led by Representative Mike Quigley of Illinois, wrote a letter to Immigration and Customs Enforcement (ICE) calling for all transgender immigrants in its custody to be released if humane accommodations could not be provided. The letter said, ICE consistently utilizes solitary confinement for so-called protective purposes or violates its own guidance by using segregation as punishment, placing transgender people at risk of physical and mental health deterioration and vulnerability to sexual assault by ICE guards. In the past two years, at least two transgender people held in ICE custody have died. The letter asked for ICE to send a plan of compliance by January 27 as well as semi-monthly updates.

The Minnesota Department of Corrections released its first report under the legislatures new law requiring more data transparency for the states use of solitary confinement, [reported](#) the Minneapolis *Star Tribune*. The report revealed stark racial disparity in the use of solitary confinement, as 60 percent of people isolated were black or Native American. While Black people make up 40 percent of the general population in prisons, they made up 45 percent of those sent to solitary. Native Americans make up nine percent of the general population but thirteen percent of those sent to solitary. Meanwhile, white people make up 51 percent of the general population and 40 percent of those sent to solitary. In total, white people make up 84 percent of Minnesotas state population. The report also found that young people are still being sent to solitary in the state, and that some people are still spending more than a year in solitary. In total, people incarcerated in Minnesotas state prisons were sent to solitary 10,000 times in 2019, many for nonviolent disciplinary infractions.

The City [reported](#) that the New York City Board of Correction, a jail oversight body, called for an immediate investigation into misuse of body scanners to detect contraband, which were installed following a 2018 law signed by Governor Andrew Cuomo. The Board released a report finding risk of radiation exposure and health hazards to both staff and detained people. In cases of positive scans, people have been put in separation status, which the Legal Aid Society described as solitary confinement by another name. While jail officials claim they need to isolate people in order to recover contraband, in the 45 instances of positive scans, only five times was contraband recovered. The Board found that officers bypassed regulations on solitary confinement in their use of separation status, including prohibitions on isolating people with serious mental health or medical conditions.

[According](#) to *Florida Politics*, State Representatives Shevrin Jones and Amy Mercado introduced the Tammy Jackson Act, or HB1259, to limit the use of solitary confinement on pregnant women in the states prisons. Tammy Jackson gave birth alone in solitary confinement last year in the Broward County jail, after officers ignored her complaints of contractions. A similar bill was introduced in the Senate as SB852. The bill would not completely ban the placement of pregnant women in solitary, but would only allow such placement if officers have consulted with medical staff and only if an extraordinary circumstance exists that such restrictive housing is necessary. The bill includes other language to ensure that incarcerated pregnant women receive proper medical care.

The *Lincoln Star Journal* [reported](#) that Nebraska bill LB230, introduced by Senator Patty Pansing Brooks to restrict the use of solitary confinement on children, came up for debate in the legislature last week. The Inspector General for Child Welfare released a report finding that 631 youths as young as twelve years old were sent to solitary a total of 2,683 times in 2019 across 32 facilities in the state. The time in solitary ranged from hours to 113 consecutive days. Over the summer, state senators visited a youth facility in Geneva and found a girl isolated for five days with only a mattress on the floor and no functioning light. Senator John Lowe claimed the use of solitary on children is necessary for the protection of staff, but Brooks said, It hasn't helped the staff to traumatize the youth more than they are already traumatized. The bill would prohibit the use of solitary on kids except in cases where all other alternatives had been pursued and the child posed a substantial, immediate risk.

An [opinion piece](#), the *Kansas City Star* covered a hearing held by Missouri state lawmakers on the use of solitary confinement, or seclusion, in public schools. Children who spent time in solitary and their parents testified at the hearing, recalling the traumatic experiences they faced. One mother said her son suffered asthma attacks, head injuries, and emotional trauma from being thrown in a box. An eleven-year-old with autism, anxiety, and depression recalled being isolated as punishment almost all day every day and asked the lawmakers, [Would that] make you calmer, or would that make you madder? One school superintendent spoke about the alternative comfort spaces they have implemented by providing recliners, spa music, and stuffed animals. Representatives Ian Mackey and Dottie Bailey have introduced bills to limit the use of isolation on children across the state.

[According](#) to *Commonwealth Magazine*, the Massachusetts Correction Officers Federated Union has blamed a brawl at MCI Souza Baranowski on the passage of the states Criminal Justice Reform Act. The incident, in which three correctional officers were hospitalized, is a direct result of the legislation, wrote the union spokesperson, by allowing inmates to manipulate the system and engage in violent action, increase gang activity, intimidation and assaults on officers and other inmates. But Lizz Matos of the Prisoners Legal Services refutes this idea, calling it damaging. Matos says that the department has strongly resisted enacting any changes, which include restrictions on the length of stays allowed in solitary confinement, diversion programs, and expungement in certain cases for youth. The prison has been held on lockdown since the incident.

The *Progressive* published an [article](#) on the growing fight against solitary confinement, tracing the recent shifts towards nationwide reform. The article cites growing public awareness of the harms caused by solitary, quoting Solitary Watch's Jean Casella: Other than the death penalty, long-term solitary confinement is the worst thing that can legally be done to a person in this country. It also places resistance to solitary within the movement to end mass incarceration, quoting Amy Fetting of the ACLU's Stop Solitary campaign: We think of solitary confinement as the handmaiden of over-incarceration. It is a symptom of an entire set of institutions that are deeply, deeply broken. The article cites the large number of state and federal legislative initiatives to limit the use of solitary confinement, the most successful of which has taken place in New Jersey, which last year passed a bill banning solitary for longer than twenty consecutive days and banning any length of time in solitary for vulnerable populations. (Details of other laws passed last year can be found in a recent [guest post](#) on Solitary Watch.)

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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