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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](#) | August 12, 2020

Courthouse News Service [reported](#) that U.S. District Judge James Gwin ruled that confining people in what are officially general population cells for 23 hours a day does not violate the landmark 2015 settlement banning indefinite solitary confinement in California state prisons. While Samuel Miller, an attorney with Center for Constitutional Rights, argued that the designation general population is determined by the amount of time spent outside of the cell, Judge Gwin claimed in his decision that out-of-cell time is not, as the prisoners contend, a strict requirement that there will be more social interaction, but instead a programming goal. Miller said that he and his clients may push back against the ruling.

The *Queen City Nerve* [reported](#) that the Federal Medical Center-Butner in North Carolina is the deadliest site of coronavirus in the country. The niece of a man incarcerated at FMC Butner said people at the prison have been forced to continue working for 10 to 20 cents an hour, despite the lack of proper hygienic equipment. Even with these sub-standard wages, the prison charges two dollars to get a sick slip in order to have their temperature checked. The woman's uncle reported that the prison uses solitary confinement for people who speak up about COVID-related concerns. While the director of the federal Bureau of Prison (BOP) released a statement in March claiming that the prison system held a low number of cases to this point, by April, North Carolina had only tested 2 percent of its incarcerated population. FMC Butner alone has had 25 deaths from COVID.

USA Today [reported](#) that Ohio prisons have a 9 percent coronavirus infection rate, compared to the 1 percent infection rate for the rest of the states population. Advocates have raised concern with infected incarcerated people being sent to the previously shuttered death row at Mansfield Correctional Institution, sick people being transferred between solitary confinement and general population, and family members not being informed of their loved ones sickness until after their death, among other issues. According to a UCLA study, incarcerated people across the country are five times more likely to contract the virus, and in Ohio, about 90 incarcerated people have died from COVID. Before the pandemic, Ohio prisons were overcrowded by at least 11,000 people.

Forbes published a [piece](#) about the federal Bureau of Prisons (BOP) response to the coronavirus pandemic, claiming that the new Phase 9 Action Plan looks a lot like Phase Eight which looked a lot like Phase Seven. It begs the question as to whether there is a cohesive plan to address the COVID-19 pandemic that has infected over 10,000 federal inmates and over 1,000 correctional staff[and] killed 110 inmates and one staff member. The BOP response has mostly consisted of suspending visitation, limiting communication with family members, placing people in solitary confinement, and eliminating recreation and programming. This has meant that most people held in BOP quarantine remain in their cells for 23 to 24 hours a day with limited phone calls. A group of U.S. senators last week, led by Elizabeth Warren and Cory Booker, introduced a bill that aims to establish greater transparency within the BOP about the COVID-19 response.

The *Detroit Free Press* [reported](#) that the Michigan Department of Corrections (MDOC) has isolated 35 incarcerated people in solitary confinement for four months for their own protection, though experts say isolating a person for longer than fifteen days causes psychological and physical damage. The 35 people, who had been determined as at risk of being assaulted in general population, would typically be transferred to another facility, but under COVID, the MDOC has said they are trying to halt transfers as much as possible. Even if the person tested negative for COVID, the administration said, Out of an abundance of caution, they have remained in solitary confinement. But prisoners rights advocate Natalie Holbrook of the American Friends Service Committee said, Anything over 15 days is wrong its immoral. Its detrimental to a person, no matter what.

The Baton Rouge *Advocate* [reported](#) that the widow of Rocky Chaney has filed a lawsuit against the Acadia Parish jail in Louisiana for the death of her husband, who killed himself about a year ago in a suicide cell. Chaney's body was allegedly left hanging for more than two hours after his death, despite officers walking by his cell throughout that time period. Both Chaney and incarcerated woman Misty Carvell died by suicide in Acadia county custody in a six-week period last summer. Both had a documented inclination toward self-harm. Three days before Chaney hanged himself, he had swallowed a piece of broken mirror, yet pages of missing entries in his suicide watch log, along with video footage, demonstrate that officers did not check on him adequately after his return from the hospital.

Stat News published an [opinion piece](#) arguing that the use of solitary confinement in Immigration and Customs Enforcement (ICE) is an

inappropriate response to the pandemic. The article points out that the use of medical segregation instead of proper medical care has plagued ICE facilities since before COVID-19. Forensic psychiatric experts have found that being held in solitary confinement for months has devastating mental and physical consequences. Oscar Perez Aguirre, held in an ICE facility in Aurora, Colorado, said he was placed in solitary after testing positive for COVID but the conditions of the cell, he said, were filthy and freezing. Choung Woong Ahn, held at the Mesa Verde ICE detention center in California, died by suicide in May, two days after being placed in medical isolation.

NowThis published a [video](#) highlighting a trip sponsored by the Vera Institute of Justice that flew out representatives from the Louisiana Department of Corrections and the Washington Department of Corrections, as well as advocates and the Solitary Watch co-director Jean Casella, to Norway's maximum security Halden and Ila prisons. The video paints the picture of a drastically different approach to corrections, in comparison to the highly punitive approach in the United States. One contact officer at Halden said, It is not for the prison to judge or to punish. We have to interact and be human. I think it's as simple as that. And the Deputy Governor of the prison explained an influential question that Norwegian corrections asks itself when conducting all its operations: What kind of neighbor do we really want?

Prison Legal News published an [interview](#) with Jessica Sandoval, the national campaign strategist for Unlock the Box, which recently released a report citing a 500 percent increase in the use of solitary confinement under COVID-19. According to Sandoval, the use of solitary and lockdown in response to the pandemic isn't a public health strategy, it's torture. Sandoval explained the difference between medical care in isolation versus the punitive and highly restrictive use of solitary confinement. Sandoval said medical experts even claim solitary exacerbates the spread of the virus, deterring people from reporting symptoms in order to avoid time in the hole. Based on correspondence with family members, Sandoval said, The lockdowns are brutal and for many are 24/7. People are scared and asking for help.

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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