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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](#) | November 9, 2020

The ABA Journal [reported](#) that the U.S. Supreme Court ruled last week that six prison officials at the John T. Montford Psychiatric Facility in Lubbock, Texas are not entitled to qualified immunity from the lawsuit filed against them by incarcerated man Trent Taylor. The lawsuit claims that Taylor spent six days alone in cells covered in feces and sewage. At one point, Taylor was held in a cell with only a clogged drain and no toilet. Taylor claimed he tried to hold his bladder for 24 hours but when he involuntarily relieved himself, the drain overflowed and he was forced to sleep naked in raw sewage. The Supreme Court ruling overturned a Fifth Circuit Court decision that argued prison officials could not be sued because of qualified immunity protection, though the court also acknowledged that the allegations in the lawsuit would constitute cruel and unusual punishment, violating the Eighth Amendment. But the Supreme Court found that no reasonable correctional officer would force anyone to live in such unsanitary conditions.

[According to Crosscut](#), Washington State has never fully complied with a federal court ruling from 2015, known as Trueblood, requiring the state to transfer mentally ill people found incompetent to stand trial within seven days to a mental health facility for treatment, or competency restoration. Before this year, the state met that requirement only 24 percent of the time, and since the start of the pandemic, that number has reached as low as two percent. Those not transferred in the required seven-day timeframe often sit in jail awaiting a hospital bed. Debbie Kirby, a formerly incarcerated peer specialist for people re-entering society, said, They isolate the mentally ill [in jail], and they're in cells and are in 23-hour lockdown. It only exasperates [their illness]. It makes it worse. They get more psychotic, more depressed. Attorney Sarah Tofflemire said that now, due to COVID, her clients often have to wait up to six months to get transferred to the hospital.

The *Washington Post* [reported](#) that 64-year-old Anthony Ray Hinton voted in the U.S. presidential election for the first time last week, after having been locked up for 30 years on death row in Alabama for a crime he never committed. Hinton whose story was featured in the HBO documentary *True Justice* was charged with murdering two restaurant workers in 1985, was sentenced to death, and spent 28 years in solitary confinement. While Hinton was exonerated in 2015, he could not vote until the Moral Turpitude Act of 2017 allowed Alabama residents with felony convictions to vote. Hinton said, You don't know freedom until it's taken from you. Being locked up for 30 years made me realize how important the vote was. By not voting, you allow people to get into the driver's seat that allows them to oppress you even more.

Republic World [reported](#) that the ACLU of D.C. and Williams & Connolly LLP sued the U.S. Department of Homeland Security and Immigration and Customs Enforcement (ICE) for withholding vital public health information necessary to safeguard the civil rights of detainees. The ACLU filed a Freedom of Information Act request for documents providing data on the spread of COVID-19 in U.S. immigration detention centers. ACLU National Prison Project attorney Eunice Cho said, Abuse, neglect, and degradation our clients regularly face in ICE custody have only worsened since the pandemic. There are allegations about sexual abuse, increased use of force, rampant use of solitary confinement, attempts by ICE to minimize its role in the deaths of detained people.

Filter magazine published an [opinion piece](#) written by author and former assistant chief of mental health on Rikers Island, Mary Buser. As a social worker at the jail, Buser recalled the traumatic conditions in the 500-cell solitary confinement unit where she worked. Buser said she was discouraged from authorizing even temporary days-long relief from the isolation for those who expressed suicidal ideation. Buser described the [dual loyalty](#) conflict that social workers face in jail: While the professions code of ethics calls social workers to respect the inherent dignity and worth of the person, the correctional officers running the facility demand social workers complicity in the widespread use of solitary confinement, deemed torture by international standards. Buser called on national leaders in the social work profession to acknowledge the gravity of solitary confinement and said now is a golden moment for social workers to take a stand against injustice in society.

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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by [Caitlin Konya](#)

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