

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

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Our Weekly Roundup of News and Views on Solitary Confinement

by [Valerie Kiebala](#) | November 30, 2020

The *Arizona State Law Journal* published an article written by law professor Laura Rovner and assistant professor Nicole Godfrey, entitled, [COVID-19 in American Prisons: Solitary Confinement is Not the Solution](#). By mid-November, at least 182,593 incarcerated people in the U.S. have tested positive for the coronavirus and 1,412 incarcerated people have died. The article argues that the courts have implicitly accepted solitary confinement as a response to the pandemic, through three specific barriers obstructing the protection of incarcerated peoples rights. First, the lack of a clear standard for the deliberate indifference clause of the Eighth Amendment allows officials to escape liability by isolating people. Second, the judiciarys deference to prison officials effectively surrendered the courts responsibility to uphold the Constitution inside prisons. And finally, the lack of political courage from executive officials to secure the massive amount of necessary releases under COVID provided an apparent justification for officials widespread use of solitary.

*Tulsa World* published an article about the [coronavirus outbreak in Oklahoma prisons](#) and how prison officials responded to the crisis. While virus cases in Oklahoma prisons remained low into the summer, the Department of Corrections decided in July to shutter the privately run Cimarron Correctional Facility. While public health experts recommended releasing significant amounts of people in order to contain the virus, Oklahoma officials did not enact massive releases but instead, transferred 4,518 people to other prisons without testing many of them. Robert Lavern, who contracted the virus while he was held at William S. Key Correctional Center, said that people who reported symptoms were sent to solitary confinement. Lots of people would rather take a chance at dying than be sent in there, Lavern said. As of November 17, 5,404 people held in state prisons and 520 staff members had tested positive, and 30 incarcerated people have died from the virus across the state.

*Democracy Now!* [reported](#) that seven immigrants detained at the Northwest Detention Center in Tacoma, Washington have gone on hunger strike, after officers reportedly assaulted a 19-year-old immigrant by putting his knee on his neck, according to immigration rights group La Resistencia. At least four people have been placed in solitary confinement for speaking out against the incident, including a 62-year-old man with cancer and other serious health problems.

Professors Konrad Franco, Caitlin Patler, and Keramet Reiter published an article in the *Punishment and Society Journal*, called, [Punishing status and the punishment status quo: Solitary confinement in U.S. Immigration prisons, 2013-2017](#). By analyzing patterns and practices of solitary confinement in Immigration and Customs Enforcement (ICE) facilities, the team conducted the first systematic, nationally representative analysis of administrative records of solitary confinement placements in any carceral setting. The article lays out the discriminatory nature of solitary confinement, with mentally disabled people overrepresented and immigrants from Africa and the Caribbean overrepresented as well. Additionally, the article found that privatized prisons tend to confine more people in solitary confinement without an infraction. The authors found that until now, one of the least understood practices in detention centers is solitary confinement, which has been called a black box within a black box.

The *Olean Times Herald* [reported](#) that the Partnership for Public Good released a [report](#), finding that eliminating the use of solitary confinement in New York correctional facilities could save the state \$132 million annually over the next ten years. In 2019, Governor Andrew Cuomo blocked the Humane Alternatives to Long-Term (HALT) Solitary Confinement bill from reaching the floor of the legislature for a vote, claiming it would cost a huge amount of money to implement. The HALT bill would ban the use of solitary for longer than fifteen consecutive days, in alignment with international standards. But instead, Cuomo drew up another set of much milder regulations that have yet to be implemented. The Partnership for Public Good argued that passing the HALT Act could save the state money.

According to the *VT Digger*, a new [report](#) was released this month by a legal firm designated by the Vermont Agency of Human Services to investigate the death of 60-year-old Kenneth Johnson in December 2019 at Northern State Correctional Facility. The report found Johnson had informed prison staff that he was unable to breathe, but instead of receiving medical care, he was threatened with solitary confinement if he didnt knock it off. While the report did not definitively conclude that racial bias was a factor in Johnsons death, it said, Nevertheless, the fact is that Mr. Johnson a person of color was under the supervision and care of an almost entirely white staff, a number of whom apparently disbelieved his persistent and credible claims that he could not breathe and failed to respond to those claims in a manner that ensured his safety. In July, the Department of Corrections announced they would not renew its contract with the health care

company Centurion Managed Care of Virginia.

Jason Kottke [interviewed](#) Five Mualimm-Ak and Terrence Slater, both of whom spent time in solitary confinement in New York prisons. After his release, Mualimm-Ak founded the organization Incarcerated Nation Network, a group dedicated to transforming the prison system and ending torture. Now Slater works for the organization as well. In the interview, sponsored by *Slate*, Kottke asked Mualimm-Ak how people in solitary maintain a sense of who they are. Mualimm-Ak responded, You dont. You live off of your memories because you have nothing else to accumulate to move forward. And then you end up having this short-term memory disorder which is a part of the consequences of being in solitary where you cant keep one train of thought for too long. And then youre dropped off in 42nd Street-Times Squareits a sensory overload.

The *Wisconsin State Journal* [reported](#) that while Dane County Sheriff Dave Mahoney claimed COVID-19 is no longer spreading at the county jail, family members of people incarcerated at the jail fearthattheir loved ones will not be adequatelytreated or protected from COVID. Shallan Rhea said her incarcerated fianc tested positive for the virus and worries that if his condition worsens, he will be sent to solitary confinement. Mahoney acknowledged that the jail has been using solitary confinement to house sick people for lack of space. Additionally, people held in maximum-security custody are not allowed to reside alongside people in minimum-security, so if someone in maximum-security tests positive, they are sent to solitary. Rhea said, Theyre basically treating them like they did something wrong because they caught COVID. Thats how they feel.

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.

by [Mirilla Zhu](#)

October 26, 2022

by [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

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