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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 [Roxanne Barnes](#) | November 5, 2021

Episode 235 of the Hard Luck Show podcast [illustrates](#) the history of solitary confinement and gang affiliation, centering voices from Unlock the Box; California Families To Abolish Solitary Confinement; University of California, Irvine Law School; Criminology, Law and Society Professor Keramet Reiter; and Legal Coordinator & Youth Mentor Michael Saavedra. The podcast is intended to serve as a toolkit to help other states follow California's lead to end long-term solitary confinement.

In response to an executive order from Governor Ned Lamont in June, a prison policy in Connecticut has just been approved that would require officials to conduct health assessments for people put in solitary confinement who are members of a vulnerable population, [reports](#) the Connecticut Mirror. Prison rights activists, like ACLU of Connecticut Policy and Advocacy Director Claudine Fox, are concerned that the DOC is overseeing itself. It's very difficult to be optimistic about how DOC handles vulnerable populations, especially when they're putting them in solitary confinement, she said. This new directive entrusts the DOC to regulate itself regarding the health and well-being of the most vulnerable people it imprisons. The executive order was issued when Lamont vetoed the PROTECT Act; Fox says that among its provisions, the bill would have created external oversight of the DOC.

A class action lawsuit against the Superintendent of Five Points Correctional Facility in New York alleges that Five Points deprives people with disabilities of their most basic needs, [reports](#) The Nation. Phillip Nelson, a man with chronic obstructive pulmonary disease, hypertension, and asthma, has been put in solitary confinement on multiple occasions for being physically unable to move heavy objects. Another plaintiff said he was told by a corrections officer, to stay in my cell and never come out because it would make things simpler for them. Advocates like Josh Cotter from Legal Services of New York insist that the best solution would be to let people with disabilities go home. We have these people that are stuck in the system. They could be with their families and in the community, which would much better serve their needs.

Facing South [reports](#) that The Center for Constitutional Rights, Project South, and the Southern Poverty Law Center filed a Freedom of Information Act lawsuit this month in response to concerns that immigration officials violated several U.S. laws and the international Convention Against Torture while deporting an estimated 700,000 people to Cameroon. The lawsuit focuses on Trump administration deportations, and alleges that migrants were restrained in a cruel and unusual manner. This lawsuit is part of a larger movement to demonstrate the particularly brutal treatment of Black migrants including more frequent solitary confinement and higher bonds from immigration judges as well as to protect them from further harm.

Corey Durrett-King, a man who was held in a lockdown cell in Allegheny County for 23 hours a day, addressed the County at their September council meeting, describing his experience with the dangerous lack of mental healthcare available to those incarcerated there. Pittsburgh Institute for Nonprofit Journalism [describes](#) that Durrett-King broke up his time in solitary confinement by volunteering in the mental health unit, where he described a dire situation of over-medication and rapid mental degradation. He said, I watched every guy who came back from Torrance State Hospital come back fine and on medicine. And then the jail put them on 23-and-one again and every man deteriorated. It was bad. Of his own recovery process, Durrett-King says, I am still on edge. I want to be normal.

NorthJersey.com [reports](#) on the lives and quest for justice of some of the 1,200 Muslim men who were rounded up and detained following the attacks of September 11, 2001. The FBI acted on more than 96,000 tips, many of which were reportedly general, and those imprisoned were abused, subjected to extended solitary confinement, and denied access to a lawyer for months, but were never convicted of any crimes. Last month 20 years later a US district court dismissed all remaining claims against prison officials, in a lawsuit over racial profiling and abuse that has been ongoing since 2002. The Center for Constitutional Rights (CCR), which represents the ex-detainees, is expected to appeal the decision. Rachel Meeropol from the CCR describes a primary reason why many of the plaintiffs have not succeeded in winning monetary damages for what they endured: When state officials violate the constitution, they can be sued to disincentivize them from breaking the law in the future. We have nothing like that for federal officials. Solitary Watch [reported](#) on the Supreme Court case involving 9/11 detainee abuse, *Ziglar v Abassi*, that helped to establish this precedent in 2017.

Russell Maroon Shoatz was released from prison after 42 years, 22 of which he spent consecutively in solitary confinement, [reports](#) Democracy Now. His freedom is the result of a compassionate release, as he has stage 4 colorectal cancer and the prison is incapable of

caring for him. He will enter hospice care. His son Russel Shoatz III commented, prisons dont have the capabilities to take care not just of their healthy prisoners, they definitely dont have the ability to take care of their geriatric prisoners, and that they have effectively killed my father. Solitary Watch [published](#) an article in 2013 about, Shoatz, in which he is quoted saying, Control unit facilities cannot be allowed to exist. They serve no purpose other than to dehumanize their occupants. Our collective welfare demands that we do everything within our power to bring about an end to this form of imprisonment and torture.

In an appeal of a London judges decision to block Julian Assanges extradition, lawyers in the US argued that he would not be transferred to a supermax facility when returned to the US, Bloomberg [reports](#). But the judge had cited the risk of suicide in US jails in his decisionnot supermaxes. Assanges lawyer remarked, The assurances attempt to address one notorious prison regime and one notorious prison, and say nothing about any of the other severely isolating prison regimes or other notorious prisons in the USA about which the [district judge] heard copious evidence.

Florida Phoenix [reports](#) that a federal judge has allowed several minors to proceed with a class action lawsuit against the Florida Department of Juvenile Justice (DJJ), wherein they allege that the DJJs solitary confinement policies for children are harsh, unconstitutional, and dont accommodate juveniles protected by the Americans with Disabilities Act. In his statement after the decision, US District Judge Robert Hinkle described that children are being held in solitary for indefinite periods of time, without environmental stimulation, without access to recreation and human interaction, and with less than an hour each day to shower. Hinkle further said that the Florida DJJs own data demonstrates that 65 percent of children incarcerated have mental illnesses or substance abuse issues.

PBS [interviewed](#) Nicole Fleetwood, a 2021 MacArthur fellow who has curated an exhibit of art created by people in detention called Making Time: Art in the Age of Mass Incarceration. She first presented the artwork in 2014, and it is currently housed in Birmingham, Alabama. She discusses common themes in the artwork, like isolation, and how it is disproportionately used for people of marginalized identities. One of the artists she features, Mary Baxter, created art representing her experience of giving birth while in solitary confinement. When describing what it is like to curate art from prison, Fleetwood says, I feel like people are having more exploratory conversations about why we over-incarcerate. I do think that a lot of the social movements of the past few years have helped us see the correlation between the vulnerability on the streets of certain bodies and the hyper-incarceration of those bodies.

Roxanne Barnes is an educator and writer based in Los Angeles and a contributing writer to Solitary Watch.

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