

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/dispatches-from-germany-is-solitary-confinement-necessary>

### Public Facing Advocacy Writing

Earlier this month, I joined a group of leaders on the [International Sentencing and Corrections Exchange](#) study tour to view and learn about the German criminal justice system and German prisons. I lead a project, [Safe Alternatives to Segregation](#), that works around the country on reforms to the use of segregation (commonly known as solitary confinement). Its goal is to minimize the use of segregation and other forms of severely restrictive housing for incarcerated people, and, when segregation is necessary, to minimize its detrimental effects. So I was particularly looking forward to learning about the use of solitary confinement in Germany. I knew that segregation is [very seldom](#) used there, but I wanted to know the answer to the big question: So what do they do instead? How do they handle disciplinary issues? Prisoners who have assaulted other prisoners or staff? Prisoners who commit repeated infractions?

The startling answer to those questions is that they don't have a whole lot of discipline problems in German prisons. The staff are professionally trained in communication skills as well as security, and treat prisoners with dignity and respect. Conflicts between prisoners or between prisoners and staff are approached with an eye toward resolution and instruction for more effective problem solving. This approach, combined with the German constitutional mandate to make prison conditions approximate general living conditions as much as possible (people convicted of even the most heinous crimes in Germany are allowed a key to their cell, access to knives and other cooking implements, free movement around the prison grounds during the day, and televisions and telephones in their cells) appears to have fostered an environment that minimizes serious disciplinary infractions.

Importantly, when they are needed, disciplinary measures are meted out judiciously and incrementally, and warnings are liberally given. If lesser efforts to correct the behavior are unsuccessful, a prisoner may be sent to solitary confinement only as a last resort, only for as long as necessary, and for a maximum period of 4 weeks. When we were in Waldeck prison in the German state of Mecklenburg-Western Pomerania, all five segregation cells were empty. The last person to spend time there was there for three days.

Many U.S. prisons and jails are making efforts to curtail the use of segregation and trying new ways to address behaviors that have led to segregation of far too many prisoners for far too long. However, nationwide, segregation is still used too often, and to detrimental effect, as we describe in our recent report, [Solitary Confinement: Common Misconceptions and Emerging Safe Alternatives](#). Our work has shown that nonviolent, disruptive behavior in U.S. prisons and jails such as talking back or failure to obey an order frequently results in an inmate being placed in segregation, and long-term stays in segregation have been [shown to be detrimental](#) to an inmate's mental and physical health. Germany's experience with handling discipline in their prisons shows us that while yes, solitary confinement is sometimes necessary, it can effectively and safely be used only as a last resort.

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