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Letter to U.S. Department of Justice Calls for Investigation

by [Jack Denton](#) | March 29, 2016

Florida has one of the highest rates of solitary confinement in the nation, at one eighth of the total state prison population. Floridas usage of solitary is extreme not only in its scale, but also its implementation, with African Americans and individuals with mental illness significantly overrepresented in isolation. Floridas prisons and juvenile detention centers also confine minors erratically and without much oversight. The states solitary confinement units have also played a role in several high profile deaths in recent years.

This month, a group of Florida civil rights and mental health advocates, religious leaders, and journalists [sent a letter](#) to the U.S. Deputy Assistant Attorney General for the Department of Justice Civil Rights Division, asking for investigation into Florida prisons overuse of solitary confinement, their potentially discriminatory implementation of solitary, and their abuse of incarcerated individuals.

The letter asks for the DOJ Civil Rights Divisions Special Litigation Section to investigate whether Floridas usage of solitary confinement constitutes a violation of the Civil Rights of Institutionalized Persons Act (CRIPA), which the authors believe to be the case. CRIPA is a longstanding federal law that allows the DOJ to investigate abuse and intervene on behalf of people, including incarcerated individuals, whose institutional living situations may make reporting abuse significantly difficult or uncomfortable.

One of the letters chief complaints is that Floridas rate of solitary confinement is far too high. The letter cites Florida Department of Corrections statistics showing that as of this past September, 12,436 Florida prisoners were being kept in solitary confinement. This means that one of every eight people in Florida prisons is kept in solitary, over three times the average rate of solitary confinement in state prisons across the United States. Solitary confinement in Florida consists of confinement to an isolated cell for at least 22 hours a day, often more.

Another complaint raised by the letter is the racial disparities in the use of solitary confinement. Black men are overrepresented in solitary confinement by 10 percent, in respect to the makeup of the general prison population. The racial disparity is even worse for black women, who are overrepresented in solitary by 20 percent. The letter also cites overuse of solitary confinement for incarcerated individuals with mental illness, of whom. 22.5 percent are in isolation.

The letter also raises concerns over the use of solitary confinement among juveniles in Florida correctional facilities. There are 138 children under 18 held in Floridas adult prisons, one-third of whom are kept in solitary confinement. When the letters authors inquired as to whether special consideration was being given to protecting these juveniles from the physical and psychological burdens of confinement, Floridas Department of Corrections only responded with a statement saying The Department is complying with PREA [Prison Rape Elimination Act] standards relative to those who are 17 and under.

Additionally, Floridas Department of Juvenile Justice operates a number of juvenile-only correctional facilities that house 2,800 youths. Though these facilities have more restrictions on the use of solitary confinement than Floridas adult prisons, the numbers provided by these facilities showed significant variation in the rate of solitary usage, with some facilities using isolation at five times the rate of other juvenile detention centers.

The groups request for an investigation into Floridas usage of solitary first stemmed from [the 2012 death of Darren Rainey](#), who was locked by corrections officers in a shower scalding him with 180 degree water in Miamis Dade Correctional Institution. Nearly four years later, [no charges have been filed](#) in the death of Rainey, who was being held in a form of solitary confinement for people with mental illness called a Transitional Care Unit at the time.

The same group that sent the letter regarding solitary, initially requested that the Department of Justice investigate Raineys death and the treatment of prisoners with mental illness across Floridas prison system. However, according to one of the letters co-authors, Howard Simon, director of the Florida ACLU, post-Ferguson investigations into police misbehavior had stretched thin the DOJ's resources, so the department asked that the request for federal resources be more targeted than the treatment of all Florida prisoners with mental illness. They suggested that if we could focus on a particular problem, Howard told Solitary Watch it was more likely that they would be able to do something.

The group of advocates decided to focus on solitary confinement in part because of the TCU confinement involved in Rainey's death and staggering rates of Florida's use of confinement in general. They were also concerned with a number of other recent instances of extreme suffering and death that have occurred in solitary confinement in Florida prisons.

These incidents include the deaths of Rommel Johnson, a known asthmatic, who died in solitary confinement after being twice gassed with a chemical agent; Randall Jordan-Aparo, who died after being gassed three times despite being ill with a rare blood disorder; and Yalex Tirado, who died in a solitary confinement cell in juvenile-only detention center where the sodomizing of prisoners with broomsticks is common, according to reporting by the [Miami Herald](#).

The letters authors have also contacted the Florida Department of Corrections in hopes of preemptive action to reduce solitary confinement in Florida before a DOJ investigation. Steve Wetstein, of Amnesty International's Miami Chapter, another co-author of the letter, called Florida's overuse of solitary confinement a clear violation of civil rights. He told Solitary Watch that Amnesty International's focus on protecting human rights often calls for a focus on civil rights, like those of incarcerated people in Florida prisons. When you want to end injustice, he said, civil liberties and human rights are often just the same.

The Department of Justice confirmed that they have received the letter, but declined to comment further.

Jack Denton is a writer based in New York whose work has been published in New York Magazine, Harper's, Pitchfork, Vice, Pacific Standard, NPR Music, and beyond.

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 [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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My son is at Punta Gorda Corr.Inst. and you are right, he is always in confinement, instead of trying to find out the problem with my son they just place him in confinement, it's their way of dealing with the problem but they are not correcting the problem. By the time my son comes home he will be better off staying in prison because he will never be able to adjust to normal life. He has already been there for seven years and maybe will be there for another seven by the time they are done with him they have created a monster, he will be worse than when he went in, that is why a lot of prisoners end up back inside because that is what they are creating MONSTERS.

My son is an addict and consequently suffers from mental illness. All these negative comments come from people that are extremely racists, stupid or ignorant should be blocked from making public statements like that. To say that they deserve all the punishment doesn't apply to all the crimes and even if so it is inhumane. We are a great country but lack the understanding of addiction even with the horrible epidemic that we have today and the easy access to drugs starting in schools at a very early age. Not everybody who smokes a joint is going to get hooked or become an addict but that is a chance one takes not knowing the addictive gene that some of us have. We need help and I speak as a parent hurting for my child.

Maria you're not alone in this fight & the agony for our children. Anything I do for my child is also for others, like your son. Until my last breathe, will advocate & fight. My child has suffered over 18 months in 24/7 complete solitary lockdown, in past 32 months. His offense occurred when being a patient in Florida State hospital, after being severely injured and beaten over 3 times by staff & other residents/patients. Staff didn't protect him. I HEAR YOU! & FEEL YOU!

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@Karandyn - you speak of the illegal contraband that is always found cell phones, drugs, weapons, etc. My son has been in and out of prisons due to mental health issues, and subsequent drug addiction, and yes, he has admitted that he has used drugs often in prison. Guess where they get most of the good stuff? The guards. So please, don't speak as if they get what they deserve. I believe in many cases, we have under-educated, underpaid individuals in these guard roles, that hate their jobs, and look at prisoners as animals that don't matter. They can make money on them, they can take out their anger and frustrations on them because they deserve everything they get. After all, they are just prisoners. There is something that seems inherently broken in our prison systems. Seems almost impossible to fix. And the weakest of the human race will continue to fall victim to this broken system. (I am not speaking of murderers, and rapists, child molesters, etc. these are not the criminals that make up the vast majority of the prison population I am speaking of those in our society that suffer from mental health issues and succumb to drug addiction, and the typical criminal acts that usually follow that addiction) Oh, and have I forgotten to talk about those that continue to end up back in prison for violating probation/parole because they are unable to

find employment, and pay restitution? It is a vicious cycle to say the least.

My son has, this time been in solitary confinement since Feb 018 & his pretrial date was set on May22 for Aug 21. Since Feb 016 he's done solitary for approx 1 yr 3 months. He's mentally ill & came to jail for a state hosp where he was since 2011. There he was beaten into unconsciousness & attacked 3xs, once by an employee.. The Judge loathes mentally ill & refused defence request for a Dr to reevaluate for NGI. Judge laughs @ mentally ill, gives higher bonds 10xs higher than non psychiatric inmates. He does much to cause deterioration of these inmates. Facts can prove this. They only leave cells to go to court or have a video visit, limited to 1 hr 3xs week. I'm too far away to visit weekly. There's no psychiatric treatment just pills. The system is so broken. Judge, prosecution want these ill inmates in gen pop prisons. There's so many injustices to mentally ill, any disabled & minorities it would take a book to tell. Even bond issues are impacted. Seen this Judge give 5-10,000 bond for kidnapping A&B, attempted premeditated murder. Our bond is 100,000\$ full cash, not a %age. Even if bond was made a mentally ill inmate wouldn't be released, they'd be in a forensic hospital. Which is where my son could go while awaiting 21 Aug. Yet no. Solitary confinement. Am watching him deteriorate in all ways. No one can get a judge off the bench for these violations. The protection acts, laws & statutes are made impossible to navigate. Have investigated all. ACLU & others won't touch this. Inmate(s) must truly die from abuse neglect b4 anything can be done.

How to get help for mentally ill relative held for repeated periods in solitary 4 months, 1 yr. awaiting trial repeatedly found incompetent. Judge treats non mentally ill w lesser sentences. Community service for heinous crimes. This relative could w judges swipe of a pen approval be in a facility getting treatment while awaiting outcome

Bob Saget, first you are an ignorant fool to believe that murderers and rapists fill these prisons. The opposite is the case. Office of Program Policy Analysis and Government Accountability (OPPAGA) found that between 2004 and 2009, 70 percent of newly admitted prisoners were convicted of nonviolent crimes.

<https://www.mosesandrooth.com/articles/non-violent-crimes-increasingly-land-offenders-florida-prisons/>

Second, you are no better than the worst criminal if you believe it is acceptable for a supposed law abiding citizen to usurp the will of the courts and jurors and assume that a given punishment is not enough, that an inmate deserves to be beaten, tortured, or brutally murdered on top of the sentence they were legally given. In fact, I'd say you're as low as the corrections officers who violated their oaths and killed these men rather than treating them with a little humanity so they might be able to get the rehabilitation our prisons claim to provide. I'm sure most of the citizens within our communities would agree as they would rather these men and women be released better than when they went in, not worse.

There is a reason there is currently a great deal of bipartisan support to limit prison terms and stop these kind of abuses. Our current system is not helping and it is costing billions. In fact, the wide scale abuses within Florida prisons cost tax payers \$98M in 2017 alone. Now, tell me again about how convicted felons should be treated in prison.

Good, unless they are in on drug offenses, every prisoner deserves what they get, you don't get rights when you take away the right to live from others, or steal others hard earned property. Personally I think Solitary is too easy on Murderers, Rapists and Mass shooters/terrorists. They should be required to go through a mandatory monthly torture session of water boarding, skinning, and various other torture methods. Maybe then psychopaths would think twice before they feel like killing a bunch of innocent people because their life sucks.

That just makes me want to cry. The humanizing of people for the entertainment value it brings. How do they live with themselves? How do they go home at the end of the day and kiss their wives or play with their kids? <http://mynameisjamie.net>

The Department of Justice has received numerous sworn affidavits from inmate Harold Hempstead regarding dangerous prison conditions in Florida, the most recent of which addressed the difference between Close Management confinement and Protective Management confinement, describing how their opposing intents are being ignored. Young Ricky Martin died because of the deliberate indifference of ignoring those opposing intents, and a federal suit has been filed.

It's not called Solitary Confinement, but rather Administrative Confinement and Disciplinary Confinement. There are two inmates per cell, unless an inmate's charges and or recent behavior indicate placing him or her with another would be harmful to the wellbeing of the second inmate.

If these people would work in a prison for a few days they would see exactly why so many are placed in confinement. Inmate on inmate assaults, discovery of contraband like weapons, tobacco and illegal drugs, as well as cell phones result in several inmates every day being sent to Confinement while they are investigated. Most are rotated back out to the general population within a week or so to make room for inmates that violated more severe policies, cutting their Confinement time short.

Most of these guys are still doing the same things they did on the streets that caused them to go to prison in the first place. Those with long sentences don't care if they get 30 days in Confinement for getting caught with a shank. With a few months of good behavior, they gain that additional time back. There is no real punishment to discourage them from doing these things.

At least in California to be caught with a shank on you was an automatic sentence of five years, but to be caught without it in times of tension could easily have been a death sentence! Considering the Miami Herald story above I think I'd rather carry one than experience what those inmates have.

Now, that fear of being a victim of such attacks described, is the primary reason those with unnecessarily long sentences don't care if they are caught with a shank. And I doubt that there is no time taken on to their sentence as you claim but if you're thinking even if I do get out I'll be too old and damaged to enjoy what's left you'll take the risk to defend yourself.

Now it is clear from what you write that you work in the system but have you ever been locked in a cell with another person for extended periods of time in quarters designed for just enough room for one? How would you feel being placed in such confines with a psychopathic rapist twice your size? It happens. In fact there are documented cases where guards have purposely placed slightly built inmates in cells with violent inmates to placate them. No wonder the attorney representing one of the victims in the Miami Herald article

was reported to have said: What really made me start to look at it was that every single kid I met within the Department of Corrections had either been a victim or witnessed a test of heart. I believe the guards are complicit, and even encourage this type of behavior by deliberately leaving the broom and mop closets open and letting it happen.

Now if you do the crime you have to do the time but I know of no sentence which includes the types of incidents descibed.

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