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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](#) | October 6, 2021

On September 30th, the Washington State Department of Corrections (DOC) claimed that it will end the use of disciplinary segregation as punishment in prisons after determining that most individuals moved to solitary were there for nonviolent offenses, [reports](#) the Seattle Times. Although in the DOC Secretary's statement she justified the policy change saying, the science is clear on this, and the science says stop doing it, it is important to note that Washington has not ended all forms of isolation. The ACLU of Washington was quick to point out the limited nature of the policy, [explaining on Twitter](#) that The majority of people in solitary are in administrative segregation and long term solitary, NOT disciplinary segregation, and therefore not protected under the new policy, and describing the states use of prolonged isolation.

Gothamist [reported on](#) September 30th that around 1,200 people on Rikers Island, more than 20 percent of people detained there, were under mandatory quarantine as a result of potential exposure to Covid-19. Widespread staff absenteeism at Rikers has made it impossible for staff to adequately monitor exposure. In an unprecedented move, one entire jail, the Otis Bantum Correctional Center, is on lockdown. The quarantine has also further limited peoples access to the courts, even via video hearings, as they cannot be driven to the location of the video booths on Rikers. The New York City Department of Corrections has the lowest rate of vaccination of all city agencies, with less than half of staff having received a single dose of the vaccine. William Sanford, a man who has been forced to isolate for the past month because of COVID, said, Its easy for them to say: Alright youve been exposed. Then they can get away with a lot of things. No visits, no court, no nothing. All we can do is suffer and wait. A [report](#) issued in February by the Unlock the Box coalition describes how opting for quarantine over release is an ineffective and inhumane strategy for addressing the COVID-19 pandemic in prisons and jails.

The Advocate [reports on](#) changes to conditions for the 63 men on death row in Louisiana who have been held in solitary confinement for decades. The changes are the result of a 2017 class-action lawsuit brought against the Department of Corrections by some of these men, who have been isolated in a cruel and unusual environment. According to Betsy Ginsberg, director of the Cardozo School of Law Civil Rights Clinic, which represented the plaintiffs, There is no evidence at all that people sentenced to death exhibit worse behavior in prison, and that isolating these men does seem to be more punitive than anything else. Under the terms of the settlement reached in the case, the men must be allowed to have communal lunches, leave their cell for four hours a day to socialize with other people in the unit, make phone calls and access email, have increased access to programming, and spend at least five hours per week in the outdoor yard, as opposed to the smaller enclosed outdoor spaces, which the lawsuit described as dog pens.

The Virginia Department of Corrections, after missing an earlier deadline, has adopted a new language access policy for people in prison, drafted in consultation with the ACLU of Virginia. The Richmond Times Dispatch [reports](#) that the department was ordered to adopt a new policy, under a settlement reached in a 2018 lawsuit brought by the ACLU of Virginia on behalf of Nicolas Reyes, who was incarcerated at Red Onion State Prison and held in solitary confinement for 12 years, in part because he was unable to participate in the programs designed to enable people to transition out of solitary due to a lack of Spanish interpretation. There were also no interpreter services available for mental health visits. The Richmond Times-Dispatch reports that the language plan the department has now adopted is one of the first among state agencies to explicitly prohibit the use of the internet or machine translations such as Google Translate, promising the use of qualified staff members instead.

Northwest Georgian News [reports that](#) a lawyer for Ashlee Inscoe, an intersex transgender woman held in the North Carolina Spruce Pine prison, alleges that she was threatened with solitary confinement as retaliation for speaking to The News & Observer about how she felt unsafe in a mens prison. Inscoe spoke with the paper on September 14th, describing daily harassment and sexual assault. After the article was printed, multiple guards confronted Inscoe and insisted she sign a report denying what the article had published. Inscoes lawyer Elizabeth Simpson alleges that, Ms. Inscoe reported that she was afraid of being sent to protective custody, if she did not comply, where she would lose all property and privileges, and be subjected to inhumane solitary confinement conditions. Thus, she felt coerced into writing that she is safe, even though she is not safe in that facility. Inscoes lawyers have been petitioning for her to be moved to a womens prison.

Zachary Swain spent three months in the infirmary of a Maine prison after trying to kill himself. Upon his release from the infirmary, he

was immediately transferred back into solitary confinement. On his first day back in isolation, guards pepper-sprayed him, [reports](#) the Bangor Daily News. According to Swain's mother Lori, hearing that he was going to be moved back to solitary caused his anxiety to spike, and when he threatened to hurt himself guards used the chemical agent on him. Swain has been hospitalized for self-harm at least 14 times in the past. Lori Swain told the Bangor Daily News, It doesn't make any logical sense to me why you would move someone who has medical issues and is recovering and doing well, mentally, in the infirmary. Why would you put him back in a place that caused all the problems in the first place?

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

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 [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

by [Caitlin Konya](#)

October 5, 2022

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