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Criminal Justice Issues and Prisoners' Rights

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Our Roundup of News and Views on Solitary Confinement

by [Annalena Wolcke](#) | May 3, 2021

Brian Nelson spent 23 years of his 28-year sentence in solitary confinement, many of them in the notorious Tamms supermax state prison in Illinois, which has since been closed. After his release, Nelson dedicated himself to advocating for the rights of people in prison through his work with the Uptown Peoples Law Center in Chicago. Nelson, a longtime friend to Solitary Watch, [died on April 19](#).

In an opinion piece in the [Washington Post](#), Tammie Gregg of the ACLU National Prison Project and Donna Lieberman of the New York Civil Liberties Union argue that New York's newly passed HALT Act should become an example for other states to follow. They point out that the U.S. has been an outlier in its widespread use of prolonged solitary confinement, something that is considered torture by the UN, and urge the Biden Administration to help lead the way by finalizing new rules prohibiting the use of prolonged solitary confinement for all people held in federal custody, and by offering state governments incentives to do the same.

A four-year investigation by the U.S. Justice Department found that the mental health care system in Alameda County, which includes Oakland, Berkeley, and other East Bay cities, violates the civil rights of people with psychiatric disabilities. According to an [article in The Oaklandside](#), people with mental health issues keep cycling in and out of the county's jails due to a lack of adequate care. People in the mental health unit at the Santa Rita Jail, for example, are effectively being held in solitary confinement, producing an in-jail death rate twice as high as the national average. Solitary Watch contributing writer Sarah Shourds' recent [article in The Atlantic](#) included and exposed Santa Rita jail, and told the story of a young man with mental illness who died there by suicide.

That's insane: Many jails and prisons across the nation implemented lockdowns and cell confinement measures when the coronavirus pandemic first hit. But the D.C. jail has been holding 1,500 people in a 23-hour lockdown for more than a year. Experts are calling the prolonged lockdown a grave human rights abuse and are warning of the lasting psychological and physical harms, the [Washington Post](#) reports.

In a press release, the [Center for Constitutional Rights announced](#) that a federal court has ordered the continued monitoring of rights violations in California's prisons. The court had initially ordered a two-year monitoring of the California Department of Corrections and Rehabilitation (CDCR), after a lawsuit revealed that the CDCR was systematically misusing and even fabricating information from confidential informants to put men into solitary confinement. Because the violations have continued, the court ordered an additional year of monitoring of the CDCR.

At Lee Arrendale State Prison in Georgia, women are being shackled right after giving birth and placed into solitary confinement, says the [Southern Center for Human Rights \(SCHR\) in a warning letter](#) that it sent to the prison. In 2019, Georgia passed legislation that prohibits prisons from shackling or isolating women postpartum, but Arrendale Prison ignored the law, the letter claims. One woman was placed in solitary confinement at Arrendale 48 hours after giving birth. She remained in solitary for 13 days, wearing the same bloodied pajamas she wore during delivery.

[The new Beyond Solitary Series](#), part of the Beyond Prisons Podcast, will feature interviews with currently and formerly incarcerated people and their loved ones, focusing on solitary confinement. The first episode in the series, available now, explores the history of the prison movement in Indiana and the use of solitary confinement as a means to undermine revolutionary organizing, and features members of I.D.O.C. Watch, an organization of incarcerated people and allies dedicated to exposing abuses by authorities in the Indiana Department of Corrections.

While awaiting their trials, dozens of people charged with participating in the Capital riot on January 6 have been placed in solitary confinement in D.C. Jail, according to a [Politico article](#). Now, prominent Democratic Senators Elizabeth Warren and Dick Durbin are demanding better treatment for the detainees while they await trial. Warren said, Solitary confinement is a form of punishment that is cruel and psychologically damaging. Politico called their position a notable case of prominent progressives using their political clout to amplify their criminal justice reform calls even on behalf of Donald Trump supporters who besieged the entire legislative branch in January.

A decade ago, Maine rejected legislation that would have prohibited the use of solitary confinement in the state correctional system. Now, a similar bill might finally achieve that goal, according to [an article from Maine Public](#). The ACLU of Maine, Disability Rights

Maine, Maine Association of Criminal Defense Lawyers, and the Maine chapter of the National Alliance on Mental Illness are among the groups supporting the new bill.

In 2019, a federal judge ordered the Sacramento County Sheriff's Office to stop holding people with serious mental health issues in extreme isolation. But, [as the Sacramento Bee reports](#), the county still puts individuals with mental illness in so-called total separation cells without providing them with adequate mental health treatment. Elected officials rejected plans to add a medical treatment unit to the Sacramento Main Jail after activists protested against the expansion of the jail. In [an editorial](#), the *Sacramento Bee* called for an end to the use of solitary confinement for people with mental illnesses, calling the conditions in the county jails total separation cells immoral and inhuman.

The Restrictive Housing Act would greatly limit the use of solitary confinement in Rhode Islands prison facilities, [reports Uprise Rhode Island](#). If passed, the bill would limit the maximum number of days someone can be held in solitary confinement to 15 days and give people a minimum of two hours to spend outside of their cells. It would also limit the ability of the Department of Corrections to hold people below the age of 21 or people with mental illness or a medical condition in prolonged solitary confinement. At the moment, the Rhode Island Department of Corrections is involved in two class action lawsuits in connection with the states solitary confinement practices.

Even now, I still have horrible dreams: [Freelance journalist Tom Hopkins](#) related the experiences of several incarcerated and formerly incarcerated men who are suing Department of Corrections (DOC) officials in Connecticut for human rights violations. The men claim that DOC officials placed them in prolonged solitary confinement under the so-called Security Risk Group Program for alleged gang members in prison. But the men were never given hearings or any form of due process. Instead, they were confined to their cells for 23-24 hours a day, with very little contact with the outside world and no chance to defend themselves against the allegations.

The Middle River Regional Jail in Augusta County, Virginia, has been continuously overcrowded since 2017, and the board in charge of the jail is considering expanding it. But critics are protesting the expansion, saying that the solution to the overcrowding is not to build a bigger jail, but to incarcerate fewer people. Dewan Bellamy remembered his time in the jail: I spent 623 days in solitary confinement. I was beaten, I had my wrist broken, and I was stripped naked for 15 days in a cell where the temperature was below freezing, he said in an interview with [radio station WMRA](#).

Colorado is considering restricting its use of solitary confinement in jails for people with certain medical and mental health conditions. [According to the Crime Report](#), Colorado largely ended the use of long-term solitary confinement in state prisons in 2017, but the practice continues in many local jails, with little to no oversight. The new bill would ban most jails from using solitary on anyone who has a diagnosis or self-reports a serious mental disorder, exhibits signs of self-harm, auditory or visual impairments, neurocognitive or intellectual impairments, as well as anyone who is under the age of 18 or is pregnant. Colorado Representative Judy Amabile argues in an [op-ed in the Colorado Sun](#) that the bill would be one step toward ending a practice that is cruel, inhumane, and degrading.

[The Seattle Times reports](#) that the Northwest Detention Center in Tacoma, Washington, is finally set to close under a new bill. The detention center, run by the GEO Group, is one of the largest in the country, holding people that the federal government is seeking to deport. But the new bill outlaws most privately run detention facilities in the state, making Washington the 23rd state in the country to ban private detention. The detention center is infamous for mistreating and abusing its detainees, and specifically for misusing prolonged solitary confinement.

An [article in Spectrum Local News](#) profiled Darlene McDay, whose son, Dante Taylor, committed suicide in 2017, after spending 3 months in solitary confinement at Wende Correctional Facility in New York. McDay says she knew that her sons mental health was deteriorating while in solitary, but not enough was done for him despite his history of suicide attempts. After her sons death, McDay began advocating for the HALT Solitary Confinement Act, which recently passed in New York. I started seeing more and more that my story, my sons story, could help other people. To help change things, she said. The HALT Acts many limits on the use of solitary confinement include a ban on solitary for people suffering from a mental illness.

Kentucky Governor Andy Beshear recently signed a bill that bans the Department of Corrections (DOC) from putting women into solitary confinement while they are pregnant or in their postpartum period. [As ABC36 reports](#), the bill also requires the DOC to provide more data on the use of solitary confinement in the state.

In an [opinion piece in Street Roots](#), 24-year old Basim Floro describes his experiences of being held in solitary confinement in several Oregon state prisons. He experienced solitary confinement as being in a zoo. He writes: This is how they break a person down, by putting them inside a cage for weeks or even years.

Picture a teenager in a 6-by-8-foot cement-block cell with his wrists bound Is this really how we want our state to treat kids? asks columnist Claudia Rowe in an [opinion piece in Crosscut](#). In the piece, she questions the use of solitary confinement of teenagers held in Washington State correctional facilities. Specifically, Rowe criticizes juvenile correctional officers handcuffing teenagers held in isolation cells a measure that is forbidden by the states own policies.

In an opinion piece in the [New York Jewish Week](#) titled Ending Solitary Confinement in New York Is a Win for Jewish Values, Rabbi Lester Bronstein demonstrates why the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act represents Jewish beliefs about true justice. Jewish law stresses both the imperative to build a society based on ethical behavior and the simple fact that humanity often falls short. Rather than emphasize punishment, though, our sages have always stressed teshuva, or repentance. Victims and alleged perpetrators are equally created in Gods image; the dignity and safety of both must be preserved. In the Jewish legal system, true justice also demands the successful reintegration of offenders into society.

Vermont is the only U.S. state where not a single inmate has died from Covid-19, reports the [New York Times](#). But the measures that Vermont prisons implemented to keep the virus at bay didnt come without a price, according to the article. People incarcerated in Vermont have been experiencing prolonged isolation in 8-by-10-foot cells, sometimes spending no more than ten minutes a day outside their cells. While none of them have yet died from Covid, many are suffering from extreme psychological despair.

After three New York lawmakers made an unannounced visit to the isolation unit at Rikers Island, they are urging the city's jails oversight board to truly eliminate solitary confinement, [reports the Queens Daily Eagle](#). The city had described the isolation units as a humane alternative to solitary confinement. But the lawmakers disagreed. We cannot continue to pretend a system that cages and dehumanizes people corrects or rehabilitates anyone, said State Senator Jessica Ramos in an interview with the Eagle. In a [New York Daily News](#) commentary, Melania Brown also argued for a complete end to the use of solitary, which she called torture, plain and simple. Brown's sister, Layleen Xtravaganza Cubilette-Polanco, died after spending nine days in solitary confinement at Rikers.

In February, a group of lawyers representing people with mental illness incarcerated at the Northern Correctional Institution in Connecticut, filed a lawsuit seeking to prohibit the use of in-cell shackling and solitary confinement of individuals with mental illnesses, [reports the Connecticut Mirror](#). But the state filed a motion to dismiss the case, as the prison in question is closing soon, and the state legislature is considering a bill that would restrict the use of solitary confinement. The suit is in limbo until a federal judge decides whether to proceed with the case.

Annalena Wolke Anna interned with Solitary Watch before beginning a masters degree in Criminology and Criminal Justice at Oxford, where her research focuses on ethnicity in German prisons.

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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P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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