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Criminal Justice Issues and Prisoners' Rights

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by [Jack Denton](#) | February 11, 2016

A settlement reached last week in a class-action lawsuit regarding the solitary confinement of individuals with mental illness in Indianas prisons promises sweeping reforms that will affect hundreds of people. The suit against the Indiana Department Of Correction (DOC) has been ongoing since 2008, when the American Civil Liberties Union of Indiana (ACLU) and the Indiana Protection and Advocacy Services Commission (IPAS) filed the complaint on behalf of the prisoners, alleging violations of the Eighth Amendments ban on cruel and unusual punishment.

With some exceptions, the settlement prohibits solitary confinement for people with serious mental illness in Indiana state prisons, and requires a much more comprehensive mental health treatment plan for individuals who have been diagnosed. This agreement also applies to private prisons that are under contract with the Indiana Department of Correction.

This settlement agreement comes after a 2012 ruling in the U.S. District Court for the Southern District of Indiana that found the conditions and treatment provided for individuals with serious mental illness in Indiana state prisons to be in violation of the Eighth Amendment. After the ruling, Judge Tanya Walton Pratt, who presided over the case, ordered Indianas DOC and the plaintiffs to work together to create an agreement instituting changes to significantly improve the conditions for Indianas imprisoned and mentally ill.

Though specific conditions varied slightly across different prisons, hundreds of individuals had previously been spending 23 hours confined to their cells, many of which had thick doors with no windows. They were given one hour a day of recreation, sometimes only five days a week. They ate their meals alone in their cells and were violently extracted from their cells to shower three times a week in leg chains and handcuffs. Punishment for misbehavior included being placed in strip cells, in which people would be stripped naked for twenty-one days and eat only a nutraloaf of starch and vegetables cooked into a block. Several people with mental illness across the state have committed suicide while in solitary confinement.

The only regular assessments of incarcerated individuals by mental health professionals were conversations yelled back and forth through their closed, windowless cell doors as the professionals stood outside their cells. These extremely public treatment sessions also served as the chief form of personal interaction that any of these prisoners were allowed. Mental health treatment primarily took place in the form of a series of broadcast videos and worksheets that they watched and completed alone in their cells. Prisoners mental health was generally considered to be improving as long as they completed the worksheets.

The new agreement stipulates that treatment plans must be individualized and revisited every 90 days. Prisoners will have ten hours a week outside of their cells scheduled exclusively for therapeutic programming, which can consist of group therapy, individual therapy, and other activities determined by a mental health professional to be therapeutic. These hours are in addition to time out of cell for meals, showers, and recreation. Individuals will receive monthly individual meetings with mental health professionals, alongside weekly in-cell monitoring by the mental health staff, and daily monitoring by correctional and medical staff.

The agreement also expanded the prisons definition of serious mental illness to not only include those whose diagnoses precede their placement in solitary confinement, but also those whose conditions have worsened during solitary confinement.

This settlement comes just days after the Oregon Department of Corrections agreed to reduce the number of prisoners with mental illness in solitary confinement and improve their treatment. The Oregon DOC stated that they proactively agreed to these reforms in order to avoid the costly, protracted litigation battles that have recently brought about similar reforms in a number of states, including Arizona, California, Illinois, and Pennsylvania. Other states, among them Colorado, Massachusetts, and New York, have passed legislation that bans outright keeping people with serious mental illness in solitary confinement.

The ACLU and IPAS will be closely monitoring the implementation of the settlement terms. This is especially significant in light of problems that have plagued other states which set limits or bans on the use of solitary for people with mental illness. In New York, for example, diagnoses of serious mental illness fell following the passage of the new bans, suggesting that underdiagnosis is being used to skirt the law, while other states have faced problems keeping adequate mental health staff and providing mandated treatment.

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.

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At least this is a start. The bad part of this is how long it took just to get this far.

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