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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 [Valerie Kiebala](#) | October 29, 2017

According to the [Trentonian](#), James Covington, a physically and mentally disabled man held at the Doylestown detention center in Pennsylvania for unpaid fines, claims that he suffered an unprovoked racist attack when three white corrections officers picked on him for his height, called him the N-word, assaulted him to the point of breaking his collar bone, and placed him in solitary confinement, where he was unable to contact his family about the incident. Correction officers present a different account and deny culpability, charging Covington with aggravated assault on law enforcement, terroristic threats, and probation violation charges. Covington's lawyer has demanded a federal investigation of the incident.

The *Pittsburgh Post Gazette* [reported](#) on the effects of solitary confinement through the story of Richard Dale Thomas, who spent two and a half years in solitary in Pennsylvania. The 2015 settlement that was supposed to result in the elimination of solitary confinement as punishment for individuals with seriously mental illness did not affect Thomas, who came into prison with anger issues and left solitary with more profound psychiatric complications. Thomas was sent to solitary when he didn't stand for the daily count one time. The article also notes that, despite claims of significant solitary reforms, the percentage of people held in isolation in the states prisons has actually increased: As of late September, Pennsylvania had 1,235 inmates in disciplinary cells 2.6 percent of the prison population up from 2.3 percent in late 2015.

Ramsey Orta, who filmed the death of Eric Garner in 2014, was arrested last year at an anti-police brutality demonstration on drugs and weapons charges in what he perceives to be retaliation for the video he released. In a letter he wrote last week, as [recounted](#) by *New York Daily News*, Orta described incidents in which he faced physical and sexual assault from guards, who have now placed him in solitary confinement. Orta claims these incidents are in response to his video, specifically perpetrated by one corrections officer who formerly served as a police officer.

The *Seattle Times* [reported](#) that teens at Washington's King County Maleng Regional Justice Center, who have been charged as adults, filed a federal lawsuit for the time they spent in solitary confinement, ranging from days to months. The lawsuit claims that subjecting 16 and 17-year-olds to isolation violates the youths constitutional rights. The Seattle law firm filing the suit explains, Children held in isolation have little to nothing to do in their cells: no meaningful human interaction, little to no educational activities, no music or television, little access to even reading or writing materials.

Correctional News [announced](#) the Colorado Department of Corrections (CDOC) decision to eliminate solitary confinement, referred to as extended restrictive housing, in its facilities. The CDOC plans to enact a program focused on rehabilitation, group education, and outdoor recreation, in situations for which they currently use solitary confinement. Since 2011, CDOC has decreased the number of individuals housed in solitary confinement from 1,500, which represented 7% of the prison population, to 200. Executive Director of CDOC Rick Raemisch congratulated staff, expressing, This cumulates several years of reforms and hard work to eliminate the use of restricted housing. These changes help us fulfill the departments mission of long-term public safety.

The *British Medical Journal (BMJ)* [released](#) an article discussing the unique role and challenges faced by health professionals regarding the use of solitary confinement at their places of work. The article examines the responsibility of health professionals in work settings that continue to subject individuals to prolonged solitary confinement, despite the United Nations guidelines that identify solitary beyond 14 days and cruel and degrading treatment that can amount to torture. The article asserts that organizations such as the World Medical Association and the World Health Organization should promote a community care based system of healthcare in prisons and support the medical professionals to implement a more ethical system of healthcare.

A decision by the U.S. 7th Circuit Court of Appeals in [Sanders v. Melvin](#) could have a significant impact on future litigation related to solitary confinement and prisoners rights. The plaintiff, Cordell Sanders, is represented by the MacArthur Justice Center at Northwestern Pritzker School of Law. Sanders was diagnosed with mental illness, but was nonetheless placed in solitary confinement at Pontiac Correctional Center in Illinois for eight years, where his mental state deteriorated further and he engaged in self-mutilation and twice attempted suicide. Citing the Prison Litigation Reform Act, a federal district court had rejected Sanders's Eighth Amendment suit on the grounds that he had filed too many previous claims, and was not entitled to a waiver of court fees, despite being indigent, because he was

not in imminent danger of physical injury. The appeals court disagreed, ruling that the risk of further self-harm in solitary confinement constituted imminent danger, and remanding the case back to the district court for reconsideration.

ProPublica Illinois [reported](#) a drop in the length of time the Illinois Department of Juvenile Justice holds youth in solitary confinement. The average length of time decreased from 50 hours in 2011 to 4.9 hours this past April. This change comes after the ACLU of Illinois filed a lawsuit against the juvenile justice department in 2012, leading to a plan in 2014 enacting restrictions on the use of solitary confinement for children. In 2015, the department further restricted the length of time to 24 hours and prohibited the use of solitary as punishment. While solitary confinement reform often reveals different challenges, Jessica Feierman of the Juvenile Law Center noted an increase in safety for both youth and staff in facilities that have significantly reduced the use of solitary.

As [reported](#) by *San Jose Inside*, Santa Clara County Sheriff Laurie Smith reacted to a hunger strike against the use of solitary confinement at local jails by saying, Some of them could stand to lose a little weight. She continued, There are hungry people who committed no crimes and deserve a dinner, ignoring the fact that many individuals held in the jails have not yet been found guilty of a crime, as well as the fact that all incarcerated people are entitled to decent and adequate food. While the individuals on hunger strike had decided to suspend the strike after a meeting with jail officials, many began refusing meals again in response to Smith's comments, which they said undermined the good faith negotiations going on between detainees and jail administrators.

Valerie Kiebal was a contributing writer and editorial and project manager for Solitary Watch, and is now the media director of Straight Ahead, which is building a decarceration movement throughout Pennsylvania. Her work has also appeared in *The Root*, *Truthout*, the *Chicago Reporter*, and *Shadowproof*.

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 [Mirilla Zhu](#)

October 26, 2022

by [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

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