

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/obama-pushes-to-end-solitary-confinement-states-led-the-way>

Public Facing Advocacy Writing

In an [Op-Ed in The Washington Post](#), President Barack Obama condemned solitary confinement and announced sweeping changes to its use in federal prisons nationwide.

On any given day in the U.S., as many as [100,000 people are estimated](#) to be held in solitary confinement. Also known as segregation or restricted housing, this practice refers to holding an inmate alone in a cell for an average of 23 hours a day, with limited human interaction or opportunities to participate in constructive activity. Once placed in solitary, they are often there for weeks at a time, and sometimes for years or decades.

The use of solitary confinement in prisons and jails mirrors our national experience with mass incarceration in several important and unfortunate ways: the practice is overused, individuals in these settings frequently have unduly long lengths of stay, and it is often used as a default response to all manner of behavior including nonviolent, low-level rule violations. These conditions are not conducive to successfully preparing people to succeed upon returning to the community.

While many may think that solitary confinement is reserved only for those who pose a serious risk of violence, it has been established that is not the case, nor does it account for the often extended periods of time in some instances years at a time that people stay in solitary confinement. Research has found that in many jurisdictions, a significant number of people in solitary confinement were sent there for nonviolent disciplinary infractions, such as not standing for a count or disobeying an order. Indeed, in many prisons, the number one reason people are sent to solitary confinement are nonviolent infractions. And despite decades worth of evidence pointing to the negative effects of solitary confinement on the people subjected to it as well as the safety of the facilities and communities to which they return it remains a bedrock correctional practice for keeping order, punishing rule-breakers, and even as a justified means for protecting those at risk of abuse.

While the headline finding of Obamas announcement was that he banned putting juveniles in solitary confinement (yes, children as young as 14 could be held there), there were several other components in his directive, which in sum represent a sea change, including banning the practice as a response to low-level infractions and expanding treatment for people with mental illness. The president only controls what happens in federal prisons; and as important as these measures are for the thousands of people in federal prisons, their effects will be limited in scope unless states which hold 85 percent of U.S. prisoners and local jurisdictions, which control the nations more than 3,000 jails, don't follow.

Fortunately, more and more states are doing just that.

In June, [North Carolina](#) followed federal lead and banned the use of solitary confinement for juveniles in addition to its other ongoing efforts to reduce solitary confinement as part of the [Safe Alternatives to Segregation Initiative](#). This initiative of the Vera Institute of Justice, which is funded by the Department of Justice's Bureau of Justice Assistance, is working with three states and two local jurisdictions to help them safely reduce their use of various forms of segregation and isolation as well as provide a resource center for other jurisdictions seeking to do the same. Indeed, other states are not just following the federal governments direction on solitary confinement, but going further. In an unprecedented move, [Nebraska](#) (also a partner in the Safe Alternatives to Segregation Initiative) ended the use of solitary confinement as a punishment for all disciplinary violations in July 2016. Restrictive housing will now only be used to manage risk, rather than as a punishment. In other words, a range of sanctions such as extra work detail and limiting certain privileges may be imposed in response to a rule violation, but placement in solitary itself is no longer a rote response to the violation.

The need to place said individual in segregation will instead be based on an assessment of the individuals risk to the safety and security of others and facility operations.

Obamas announcement was an important signal that these reform efforts are here to stay. And now, that signal has increased opportunity for real action. With newly approved additional funding of \$2.2 million from the Department of Justice's (DOJ) Bureau of Justice Assistance, Vera is expanding the Safe Alternatives to Segregation Initiative to up to five more locations we recently put out a call to state and local jurisdictions interested in developing safe alternatives to solitary confinement and other forms of isolation. These additional sites will be part of a growing network of jurisdictions committed to important reforms in this area. We'll also be studying the extent to which solitary confinement is used, who is placed there, and why as well as the impact it has on the mental, emotional, and physical well-being of correctional officers through new funding from the DOJ's National Institute of Justice.

It is possible to respect the common humanity of all American citizens incarcerated or not by closing the door on our casual overuse of solitary confinement.

This article originally appeared in [The Hill](#).

PUBLICATION

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