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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/04/18/montana-settlement-limits-solitary-confinement-for-juveniles-and-prisoners-with-mental-illness/>

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by [Jean Casella and James Ridgeway](#) | April 18, 2012

One of our [very first posts](#), when we started the Solitary Watch blog, concerned a suicidal Montana teenager locked in solitary confinement because he was deemed a discipline problem after he damaged prison property. Its a story so gut-wrenching that we still often tell it as an example of how isolation becomes torture for many people in prison. As the Helena [Independent Record](#) reported the story in December 2009:

A 17-year-old boy suffering from mental illnesses was so traumatized by his deplorable treatment in the Montana State Prison that he twice attempted to kill himself by biting through the skin on his wrist to puncture a vein, a lawsuit filed Wednesday by the American Civil Liberties Union of Montana alleges.

The lawsuit filed in Lewis and Clark County District Court claims that the boy, Robert Doe, has been treated illegally and inhumanely and has been detained for about 10 months in solitary confinement. Doe was Tasered as part of a behavior modification plan, pepper-sprayed and stripped naked in view of other inmates, the complaint states.

His available mental health treatment consists of a prison staff member knocking on his door once a week and asking if he has any concerns, according to documents, and then he must answer by yelling within earshot of other inmates.

Since March, he has been locked in a solitary cell all but five to six hours a week, and he is not allowed personal visits or telephone calls.

In 2010, the teenager who was identified as Raistlen Katka once he turned 18 [told a federal judge](#) that he had tried to bite through his veins because he was so desperate to get out of solitary: My thought process was if I don't die, at least I'll get out of my cell for 30 seconds, Katka testified.

The case epitomized the plight of two groups of inmates: juveniles in adult prisons, and prisoners suffering from mental illness. Members of both these groups are disproportionately likely to end up in solitary confinement, even though they are even less equipped than other prisoners to tolerate the effects of long-term isolation.

This week, the American Civil Liberties of Montana has reached a settlement buy a tivan in canada with the Montana State Prison over the case, *Raistlen Katka v. State of Montana*. According to a [press release](#):

[The settlement] limits the amount of time juveniles can be placed in isolation and provides for better treatment of mentally ill inmates in solitary confinement, protecting our states most vulnerable prisoners.

I am glad the prison is changing how it treats young offenders, said plaintiff Raistlen Katka. I brought this lawsuit so no one else would have to endure the torture I endured.

The effects of solitary confinement on any inmate are profound, but are even more pronounced for adolescents whose brains are still developing and for persons with mental illness, said ACLU cooperating attorney Andree Larose. On top of that, experience nationwide shows that solitary really does not work. This settlement is a step in the right direction toward making sure inmates are treated humanely and consistent with the Montana Constitution, and are incarcerated in conditions that promote successful reintegration when they are released.

Once Raistlen was released from solitary confinement and given mental health treatment, he began doing far better than he did under the prisons behavior management plans, said attorney Jennifer Giuttari who filed the case on behalf of the ACLU of Montana, and has continued working on it at her new law firm, Montana Legal Justice, PLLC. Raistlen's story shows that prisoners can successfully re-enter into society when given proper treatment during their incarceration.

The settlement mandates several new policies at the Montana State Prison. Juveniles cannot be placed in solitary or so-called behavior

management programs for longer than 72 hours without the approval of the director of the Department of Corrections or warden. Classification of teen inmates Will take into account their unique needs for education and mental and medical treatment and their lack of full maturity. In addition,mentally ill prisoners cannot be placed into solitary confinement if it is determined it will harm their mental health, and those who are placed in solitary confinement must receive private treatment sessions with a mental health professional as often as necessary. Finally,suicidal inmates cannot be placed in behavior management programs.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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.

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by [Juan Moreno Haines](#)

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September 29, 2022

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Lets just say I know people like those in these circumstances.

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Once again the Montana ACLU comes through!!! Thank you and Congratulations on getting this roadblock to humanity opened up!

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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