

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/12/06/nyclu-files-suit-challenging-solitary-confinement-in-new-york-state-prisons/>

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by [Jean Casella and James Ridgeway](#) | December 6, 2012

Life in the box stripped me of my dignity, and made me feel like a chained dog, said Leroy Peoples, a New York State prisoner and the plaintiff in a federal [lawsuit filed today](#) by the New York Civil Liberties Union. The ceaseless torment of being locked up every day in a tiny cell with another person is hard to describe. It is also, according to the NYCLU suit, in violation of the U.S. Constitution, which bans cruel and unusual punishment and guarantees due process before anyone even a prisoner can be further deprived of liberty.

The lawsuit challenges, on 8th Amendment and 14th Amendment grounds, the system-wide policies and practices governing solitary confinement that are responsible for the arbitrary and unjustified use of extreme isolation on thousands of individuals incarcerated in New York's prisons every year, according to a press release from the NYCLU.

Further excerpts from the press release follow. For more background on solitary confinement in New York State prisons, read the NYCLU's report [Boxed In](#), and our article in *The Nation*, [New York's Black Sites](#). Solitary Watch will continue to cover the lawsuit as events unfold.

The complaint was filed in U.S. District Court for the Southern District of New York. The plaintiff, Leroy Peoples, spent 780 days locked in tiny, barren cell the size of an elevator with another prisoner for 24 hours a day as punishment for misbehavior that involved no violence and no threat to the safety or security of others.

The lawsuit maintains that Mr. Peoples' grossly disproportionate punishment was caused by unconstitutional policies that similarly affect thousands of individuals incarcerated in New York prisons. It alleges that the frequency with which New York prisons use isolation as punishment is a direct result of official policies that permit staff to impose extraordinarily long isolation sentences regardless of whether the individuals' behavior demonstrated any danger to the safety and security of prison staff or other prisoners, with few guidelines or restraints, and with inadequate consideration of the physical and psychological risk that isolation may pose to a particular individual.

From 2007 to 2011, New York issued over 68,000 sentences to extreme isolation as punishment for violating prison rules. On any given day, approximately 4,500 people about 8 percent of the entire New York State prison population are locked down for 23 hours a day in isolation cells.

As highlighted in the NYCLU's recent investigative report *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*, only 16 percent of isolation sentences from 2007 to 2011 were for assault or weapons. The lawsuit contains new information obtained through freedom of information request (available in its entirety on <http://www.boxedinnny.org/library>), that provides more detail about the types of non-violent, even petty infractions that have resulted in isolation being imposed as punishment on incarcerated individuals. For example, from 2007 to 2011, prison officials imposed:

302 isolation sentences for smoking in an undesignated area
135 isolation sentences for wasting food
114 isolation sentences for littering
234 isolation sentences for untidy cell or person

New York's policies fail to provide for many of the most basic, common-sense safeguards universally recommended by correctional experts, mental health professionals, and human rights bodies, said NYCLU Senior Staff Attorney Taylor Pendergrass, lead counsel on the case. New York's permissive policies predictably result in a pattern of unjustified, arbitrary, and harmful punitive sentences to extreme isolation that violate our most fundamental human rights and negatively impact public safety inside and outside prison walls.

The lawsuit alleges that New York's lack of adequate guidelines allows the prison disciplinary process to be inappropriately influenced by discriminatory intent. Black New Yorkers are disproportionately represented in the extreme isolation population as compared to the states' general prison population, and blacks are punished more harshly with isolation sentences than prisoners of other racial groups for similar misbehavior.

The lawsuit also challenges New York's official policy of double-celling, the practice of placing two strangers inside a single isolation cell where they must endure intimate, constant proximity 24 hours a day without respite for weeks, months and years on end. The lawsuit alleges New York officials have continued the practice of double-celling despite evidence that it is known to result in violence between double-celled individuals.

In 2009, Mr. Peoples, who is black, was sentenced to 36 months in isolation at Upstate Correctional Facility, which double-cells prisoners, for a non-violent offense involving the purposeful filing of false legal documents. He served 26 months (780 days) at Upstate. (His sentence was later reduced by 10 months for good behavior.) This was not the first time Mr. Peoples suffered the consequences of New York's practice of allowing extreme isolation as punishment for non-violent misbehavior. In 2005, Mr. Peoples was sentenced to six-months in isolation, also served at Upstate, for unauthorized possession of multi-vitamins and amino acids available at the prison commissary in his cell.

[Read the full press release and complaint here.](#)

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.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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People forget that these inmates are someone's loved ones whom they care about and deep inside there is a person not an animal that these guards and our system abuse. I had a nephew hang himself in the county jail because he was harassed by guards about going to prison. He was 25 and now my grandson who was named after him is in the upstate prison for stealing. I have written to both state people, attorney general, civil liberties union, FBI, and our governor. My grandson was told his visitation is suspended for two months for bad urine. I don't believe it. He has been waiting for months for a transfer and its suppose to be this month on the 20th. We have a lawyer who is has taken his case for being assaulted and this month written him and told him he has the tapes and its all good. My grandson ask my son to stop asking for help as he is being treated bad for us trying to get him help. They say he is a ward of the state so they do as they please and we have to stand by and allow them to degrade him and torture him mentally and our hands are tied. I just hope God does justice to them. I love my grandson and they are making him angry and not rehabilitating him. It is tearing me apart knowing he is there and they have so much control, but its not the right control. I wish people out there would read these comments and do some checking into how these inmates are being treated and

do something about it. Everyone i contacted passed the buck. Who are we? We are just common people to them. Dont give up Joyce. Justice will prevail I hope. We do live in america and i hope there are some good honest people left here who will help these inmates.

so it seems Albion is not the only prison that assaults the inmates when they are in O.B. the observation unit. Or in the box. The fact that any one would think it is ok to beat and humiliate is disgusting, never mind Albion is a womans prison, the men who hit these inmates are truly cowards, no matter what they believe the inmate deserves. If these cos that abuse did it to someone in the outside world, they would end up in prisons themselves or have their butts kicked by a real man Some of them edge the inmates on till they lose control and go after them because thats what they want them to do. My daughter has been in the box since July or august of last year, and they keep going after her, refusing her showers lying about suicide attempts, telling officials that she lies and shes looking for attention. I have document after document of mental health issues, but they say she is just a sociopath, silly them she was 16 at the time of her incarceration and labeling her like that is unprofessional and inexcusable. She was beat up when she filed a complaint on a higher officer. Everybody knows the abuse that goes on in NY prisons when you try to file grievances or piss the wrong officer off. The fact that officials have been told this time after time and they keep getting away with it is telling us all they are all untouchable and can do what they want to another human. They turn people who already have problems into worse problems and believe they have the right to do what the do. This is not all C.O.s but even the good ones who see what goes on cant stop their fellow tortures because they cannot rock the boat. Well it doesnt matter what they try to stop her from saying and doing. I will never shut my mouth and if something ever happens to her, I will go after them and expose what I have seen and what I have been told by not just my daughter but other inmates and family members as well. the fact these same officers keep doing the same thing to people over and over again speaks volumes. How to you spell cover-up?

I have a grandson in upstate Prison at the moment and was assaulted while on suicide watch. I see him deteriorating each time I visit. He has lost weight and has dark circles under his eyes and told us he is angry now at being there and paces the cell. This is so inhumane and cruel. I dont understand how the state allows this to happen to a human being. I also would like to say that what I see happening as I visit is disgusting. My grandson who is 14 has seen acts between inmates and their visitors which are not nice for a child to see.. I also would like to state that I feel we are not treated respectful as visitors. Picture yourself in a small room with just the light from a bulb and four walls 23 hours a day . All you can do is read or write. It would make you stir crazy. Would you do this to an animal or your pet. No so why do it to human beings, they are people where are their rights. Im ashamed of our legal system for allowing this and very angry..

https://docs.google.com/viewer?a=v&q=cache:hWFG-vghABoJ:aaaaarg.org/sites/aaaaarg.org/files/text202/McLennan-Rebecca-When-Felons-Were-Human.pdf+&hl=en&gl=us&pid=bl&srcid=ADGEESgt9MLQ5wjR7IF45NpDj9ha-8YymKGpHxQpmjw7gZqxBT0DsHtUkryS_bCZJe_cuw3iqJXqKwk9QNeqti81Nlv5Plr8Z0TeiKrYnrMyxVjia7PIZGnQgXDvIz5PbnDLIpiSJvej&sig=AHIEtbTVmmFsMVTipWK2RCZtconfAUvMFA

When Felons Were Human

Why do the courts, lawmakers, and majority opinion ignore the mounting evidence that a large-scale human rights crisis is underway in the United States? Why, on those occasions when news media document the most extreme prison abuses, do few of us conceptualize them as human rights abuses? Why, in a country where mass movements mobilized in both the nineteenth and the twentieth centuries to protest and change prison conditions, is there so little public concern over prison violence, overcrowding, the long term use of indefinite isolation, and the de jure and de facto erosion of prisoners civil rights?

Almost two hundred years ago in Auburn, New York, an experimental internment of eighty hardened inmates in what is today called a Security Housing Unit (SHU) resulted in several cases of madness, illness, and suicide after just one year.

(Today, the average duration is five years).

Appalled by the results and no doubt impressed by the publics sense of moral outrage Governor Robert Yates ended the experiment, fully pardoning the vast majority of the inmates. Among the various state prisons, only Pennsylvanias Eastern Penitentiary experimented further with the isolation or separate model of incarceration. But even at Eastern, each prisoner had access to an enclosed garden, received writing and handicraft materials, and was allowed frequent visits with clergy and other moral reformers.

(SHU prisoners, who spend an average of 5 years in isolation, are permitted no visitors, spend 22 hours/day in a windowless steel cell, and are deprived of all belongings and all contact with the outside world.)

New Yorkers moral outrage over their states treatment of even its most hardened offenders was far from unusual in the nineteenth century. From its inception, the early republican penitentiary and successor, the state prison, were subject to considerable public suspicion as institutions that potentially violated natural law, common law, and the law of God. Strict Calvinists condemned the newly renovated Walnut Street penitentiary in the 1790s as a blasphemy before God and man, because it presumed to perform a surgery on mens souls an authority reserved strictly to the Lord. Other citizens protested that the social contract authorized neither the incarceration of freeborn people nor the tax revenue that the legislature would have to raise in order to pay for its newfangled institution.

This makes you wonder what has changed on the outside huh?

As a former corrections administrator I can see how this was handled and how solitary confinement was used as a punitive tool that exceeded any prison rationale or practice. Shame on them

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