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Our Weekly Roundup of News and Views on Solitary Confinement

by [Valerie Kiebala](#) | July 8, 2019

The Southern Poverty Law Center filed a class action [lawsuit](#) recently, alleging that Florida's use of solitary confinement constitutes a violation of the 8th Amendment, the Americans with Disabilities Act, and the Rehabilitation Act. About 10,000 people or 10 percent of those held in Florida prisons currently live in solitary, which is double the national average. Admire Harvard, who is a transgender woman and named plaintiff in the lawsuit, was first sentenced to 60 days in solitary when she was 18 years old with bipolar disorder, after staff accused her of lying in order to receive more food. Harvard's 60-day sentence turned into ten years in solitary confinement, which has caused her to suffer from depression, anxiety, auditory hallucinations, and attempt suicide several times. The lawsuit claims the Florida Department of Corrections is aware of the harmful psychological and medical effects of isolation but has failed to prevent them.

The *Vanderbilt Journal of Entertainment & Technology Law* published an [article](#) exploring the possibilities of developing new evidence proving the harmful effects of solitary confinement on the brain through neuroscience and artificial intelligence (AI) research. While evidence of the mental health damage of isolation has been used to make the case against solitary, the article argues a need for more systematic and precise evidence in order to prove the widespread impact of solitary to courts and policymakers. The article points to a prospective AI system called Helios that could act as a self-learning system to aid incarcerated people in gathering evidence and documenting the effects of solitary confinement on their health. A combination of traditional evidence and uncharted neuroscientific and AI evidence, the article argues, could tip the scales against solitary confinement and end the practice.

The City [reported](#) that Rikers Island has quietly reopened its women's punitive segregation unit, after the department of corrections had closed the unit to investigate the death of transgender woman Layleen Polanco last month. Eight women have been transferred back into the unit as punishment for infractions, though jail staff had originally vacated the unit in acknowledgement of the potential negative impact of solitary. Polanco died on her ninth day of a twenty-day sentence in the solitary confinement unit. Polanco's sister said, It shouldn't be open. We still have no answers as to what happened to my sister in that box. Advocates and lawmakers have been calling for heightened restrictions on the use of solitary since Polanco's death, including a review of the use of isolation and cutting the maximum consecutive sentence in half from the current 30-day limit to fifteen days, but Mayor Bill de Blasio is opposed to further restrictions on solitary.

The Minneapolis *Star Tribune* [reported](#) that Shakopee women's prison in Minnesota has changed a controversial no-touch policy, instituted eight years ago. Department of Corrections Commissioner Paul Schnell said, It wasn't a healthy policy. Over time, those things have become antiquated. The policy originally was designed as a temporary measure to address the high level of sexual misconduct occurring at the facility, but years later, the policy has led to women being placed in solitary confinement for sometimes trivial, nonsexual contact, like a handshake. Schnell said, We heard that basic compassion was not able to be demonstrated, and women reported risking punishment for things like binding the breasts of someone who had just given birth or holding the hand of a woman who had received news of her mother's terminal cancer diagnosis. Under the new policy, women will be allowed to fist bump, shake hands, and high five, though they will still be prohibited from giving hugs.

The *Wisconsin Law Journal* [reported](#) that court-appointed monitor Teresa Abreu found that children are still being strip-searched and placed in solitary confinement at the Lincoln Hills School for Boys and the Copper Lake School for Girls in Irma, Wisconsin. Abreu had been appointed to oversee the implementation of changes mandated in the settlement of an ACLU and Juvenile Law Center lawsuit against the facilities, challenging the use of pepper spray, solitary confinement, and other harmful conditions as cruel and unusual punishment. This recent report back is Abreu's third, and she found that staffing shortages, teacher vacancies, and dirty conditions continue to plague the facilities, though some improvements have been made. While the use of pepper spray and solitary confinement has declined, it is clear that staff do not have the skills to de-escalate or restrain youth, she wrote, so these practices continue to be used.

[According](#) to *Prison Legal News*, a \$300,000 settlement was reached early this year in a lawsuit on behalf of the family of William Roy St. John, who died at age 47 in the Minnesota Correctional Facility-Oak Park Heights. St. John had a known history of psychiatric disabilities, had attempted suicide several times before, and had threatened to commit suicide in a note to the clinical program therapist the day before his death. The note revealed his fear of being transferred back to the severely isolated Administrative Control Unit (ACU), where he had attempted suicide months before. Despite this warning and despite orders for St. John to be continuously

monitored, staff left St. John unsupervised and falsified the observation reports. St. John hanged himself in the shower. His brother said, We hope because of his death laws are being changed within the prison system [to keep this] from happening to other inmates, so other families won't have to suffer as we did.

The Milwaukee *Journal Sentinel* [reported](#) that advocate Brenda Wesley has filed a federal lawsuit on behalf of her son Omar, claiming that officials violated the Rehabilitation Act in failing to provide him medication for his schizoaffective disorder. After several days without his medication, Wesley became severely ill after starting to take it again, at which point Wesley was arrested and placed in solitary confinement in the county jail for not taking his medication. Wesley again was deprived of his medication, which led to severe emotional and physical pain and suffering. The lawsuit says that the jail routinely institutes a policy and practice of confining inmates suffering from acute mental disorders, like Wesley, to disciplinary cells. Wesley's lawyer Mark Thomsen said, This has to stop in Milwaukee County. We have to start treating the mentally ill as ill and not criminals, and we cannot disregard their constitutional rights.

The *Public News Service* [reported](#) that Shelby County, Tennessee has decreased its placement of youth in solitary confinement since 2012, when a Department of Justice (DOJ) investigation revealed the county was isolating youth. The DOJ found youth disciplined with solitary for getting into an argument, according to executive director of the Center for Children's Law and Policy Mark Soler. Soler said, They were being put into their rooms for many hours at a time long past the time when they had calmed down. Soler noted that the majority of incarcerated youth in Shelby County are African American. In the past year, the county has reduced its use of solitary and implemented new programs, activities, hired a counselor, and increased visitation and phone access. Tennessee legislators passed the Juvenile Justice Reform Act of 2018 last year, which calls for a reduction in the use of solitary confinement on youth.

[According](#) to WAMU, a Virginia bill sponsored by Del. John Bell restricting the use of seclusion and restraints on youth became effective last week, though the details of the guidelines have yet to be established. While Fairfax County, Virginia has not reported any incidents of seclusion or restraint in the last ten years, a WAMU investigation found special needs students had been secluded and restrained hundreds of times, including a child who had been isolated more than 100 times in one year. Schools in Fairfax County allegedly seclude children in cement rooms with no padding, which Bell calls unsafe. Defining what constitutes a safe room has been left to the Virginia Department of Education. While federal guidelines only allow for the students to be restrained or secluded as a last resort, the proposed state regulations would additionally allow seclusion and restraints in cases of property damage and drug possession.

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.

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