

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2017/01/12/new-report-shows-devastating-impact-of-solitary-confinement-on-incarcerated-people-with-physical-disabilities/>

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by [Joshua Manson](#) | January 12, 2017

The American Civil Liberties Union today released an extensive report on people with physical disabilities in solitary confinement. [Caged In: Solitary Confinements Devastating Harm on Prisoners with Physical Disabilities](#) provides both statistical and anecdotal evidence that people with physical disabilities, who are dramatically overrepresented in prisons, are subject to abysmal and flagrantly illegal treatment while incarcerated and especially while in solitary confinement. The report further shows that these individuals' disabilities are not only not accommodated in solitary confinement, but are often the sole justification for isolation.

While earlier [reports](#) and [developments](#) have brought attention to the widespread use of solitary confinement on people with psychological disabilities, *Caged In*, written by ACLU National Prison Project Fellow Jamelia Morgan, is the first to comprehensively document the use and impact of solitary on people with physical disabilities, including mobility challenges, missing limbs, and sensory disabilities such as blindness and deafness.

### Locked Down for Having Disabilities

According to the report, 40 percent of women in prison and 31 percent of men in prison report having a disability at a rate that is almost triple that of the population as a whole. In Florida, nearly one in five people in the state prison system have been assigned some kind of assistive device, a category that includes access to lower bunks, assistance from an attendant, or other special accommodation measures. In California, nearly one in ten people in state prison have a hearing, visual, or mobility-related disability. Equally troubling, other states, including states as heavily populated as Illinois, do not even track data on the number of incarcerated people who have disabilities.

However, as the report shows, once in the carceral systems, the injustices for people with disabilities are compounded first in prison, then in the general population, and then further in solitary confinement. Many of the stated reasons people with disabilities are subject to solitary confinement mirror those for which people without disabilities are ostensibly subject to it for the security of others and/or themselves, to prevent the spread of communicable disease, and for disciplinary purposes.

However, the report also includes other, especially disturbing justifications unique to people with disabilities. According to the report, people with disabilities are routinely subject to solitary confinement for convenience purposes, because the facility contains no other housing to accommodate their disability. It tells the story of a blind man who, after asking why he was being held in solitary confinement, was told that prison authorities were trying to figure out where to house him. This, according to the report, is a direct violation of the Americans with Disabilities Act.

Other individuals have been sentenced to solitary confinement for the symptoms of effects of their disability. People with disabilities that cause incontinence or vomiting, instead of being treated by medical professionals, have been punished and subject to solitary confinement for incontinence and vomiting. One man, who is deaf, states that he was subject to solitary confinement for disobeying a command that was made behind his back and that he couldn't even hear made. He was only able to defend himself by communicating that the charges were unfounded when he was finally provided with an American Sign Language interpreter two weeks later. (For reporting by Solitary Watch on deaf people in solitary, see articles [here](#) and [here](#).)

The report shows that the grievance process, the built-in remedy to a lack of accommodations or other violations, is not an effective avenue for relief. The report reveals the systemic failures of departments of corrections to track and respond to grievances, not only failing to respond to individual scenarios and thus subjecting people with disabilities to cruel and illegal violations of their civil and human rights, but, by failing to aggregate any sort of meaningful data, effectively shutting down their own ability to develop systems to monitor and improve institutional treatment of and accommodations for people with disabilities. In the Florida state system, from 2013 to January of 2015, 792 grievances were filed; of those, only 44 were resolved. The Ohio correctional agency reported housing 1,839 people with disabilities, but just three grievances filed in those two years. Illinois, again, does not even track data on the number of grievances filed.

### Harms Caused by Solitary

In addition to the procedural failures highlighted, the report reveals the disturbing harms that people with physical disabilities are subject to while in solitary confinement, and that often last well beyond release. Dean Westwood, a man with quadriplegia, was placed in an isolation cell 24 hours a day for a week while prison officials worked to find a facility to place him. For the first 48 hours, he was denied access to his anti-spasm prescription medication and other medications to prevent him from urinating on himself. As a result of the ensuing severe distress, Westwood experienced autonomic dysreflexia, a dangerous and potentially lethal condition in this case caused directly by his mistreatment and that resulted in nearly 48 hours of painful muscle spasms, violent seizures, and self-urination.

People with physical disabilities, like Westwood, experience the well-documented psychological damage inflicted by solitary confinement many times over. While the psychological harms of solitary confinement on all people subject to it cannot be overstated indeed, as the report notes, approximately 50 percent of all suicides in prisons happen among the 5 percent to 6 percent of all prisoners held in solitary confinement the psychological, as well as physical, harms are uniquely devastating on people with physical disabilities.

Richard Trevino, a man with a spinal cord injury who was held in solitary confinement in an Iowa county jail because no appropriate booking cells could fit his wheelchair, was subject to a rampant lack of ADA-required accommodations, and the resulting systemic mistreatment caused Trevino to become depressed and eventually start cutting himself.

People with physical disabilities, while in solitary confinement, are denied access to therapies and accommodations for architectural or other physical limitations, and are often less able to communicate needed mental health therapies because of their disability. Brian Follmer, a man with neuropathy, relied on a cane, wheelchair, and wheelchair assistant for mobility. After being transferred to a different facility, he was placed in solitary confinement and prison officials confiscated his wheelchair and replaced it with a walker. Follmer warned the officials that this would worsen his condition. Sure enough, Follmer then had difficulty participating in services offered by the prison, including mental health groups offered to prisoners.

Further, people with physical disabilities are subject to obvious physical dangers, including architectural barriers to accommodation; strict limitations on possession of personal property, including medical equipment; disrupted medical therapies, including problematic medication schedules; limited physical therapy, causing a decline in muscular health and a host of adverse health outcomes; and a lack of access to physical therapy. People with physical disabilities are further subject to physical harm when denied or are otherwise unable to access to physical rehabilitative programming.

The harms are especially devastating on people with sensory disabilities. Incarcerated people who are blind and deaf, already socially marginalized and isolated before arriving in prison, experience compounded sensory deprivation beyond that of their disability, and compounded procedural injustices. Robin Valdez, a deaf man sent to solitary confinement after an altercation with another incarcerated person, was left unable to communicate or express himself during the incident and subsequent disciplinary proceedings because of the facility's lack of sign language interpreters. He could not communicate his injuries after being sprayed with a chemical agent by prison staff and was denied medical attention throughout because of the facility's lack of sign language interpreters. He not only had no idea what was happening or what was being said, but was entirely unable to communicate his version of events to the hearing officers.

## **Recommendations for Change**

The report also issues a number of recommendations to policy and law makers at the local, state, and federal level, and offers a set of principles for policy makers at all levels to adhere to.

To correctional systems, the report recommends improving data collection procedures, improving training of and communication between medical and security/custody officials, grounding all placement decisions in objective evidence, and developing a process by which people with physical disabilities can request accommodations, among other reforms.

To federal lawmakers, the report recommends passing the Solitary Confinement Reform Act; banning the placement of people with physical disabilities in solitary confinement except in rare and exceptional cases, for a short duration, and where the person poses a security threat to self or others; improving data collection procedures; increasing funding to Protection & Advocacy organizations; and increasing Department of Justice involvement in investigating conditions of confinement and compliance of facilities; among other reforms.

To state and local lawmakers, the report recommends banning the placement of people with physical disabilities in solitary confinement except in rare and exceptional cases, for a short duration, and where the person poses a security threat to self or others; improving data collection practices; and improved data reporting practices.

More comprehensive than the policy recommendations, however, are the numerous model policies and procedures the report offers. Among the general principles are a ban on solitary confinement in excess of 15 days; a total ban on solitary confinement except in rare and exceptional cases, for a short duration, and where the person poses a security threat to self or others; and an exclusion of vulnerable populations in solitary confinement, one of which is people with disabilities whose mental or physical disabilities will be exacerbated by placement into solitary. Notably, the report falls short of calling for a categorical ban on solitary confinement, or even a total ban on solitary confinement for people with disabilities.

Subsequently, the report offers various other, more specified, and at times modest, recommendations, including better accommodations; better due process guarantees; shorter duration for disciplinary segregation; an end to placing people in protective custody in solitary confinement; and more accessible conditions of confinement.

This groundbreaking report is a valuable new addition to the growing body of literature on the harms solitary confinement wreaks on vulnerable individuals. It remains essential, however, that policy responses do not normalize the imposition of solitary on less vulnerable populations or in less remarkable circumstances. Solitary confinement has been considered a form of torture by international torture experts when applied to all human beings, regardless of disability status, and policies and practices should ultimately reflect that fact.

Joshua Manson is a freelance writer and editor based in Brooklyn, New York. He focuses on issues related to policing, prison conditions,

and the dangerous health outcomes associated with incarceration. He is on Twitter [@joshua\\_k\\_manson](#).

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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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An outstanding report that should be placed on the Must Read list for every correctional administrator in America. As correctional professionals from throughout the USA attend the American Correctional Associations conference in Texas this week, they would be remiss if not adding this material to the training received.

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