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Criminal Justice Issues and Prisoners' Rights

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by [Dina Levy and Jean Casella](#) | November 21, 2011

Over the past year, the New York City Department of Corrections (NYCDOC) has quietly implemented a massive expansion in the number of solitary confinement units on Rikers Island. By the end of 2011, the number of punitive segregation cells at Rikers will have grown by 45 percent, from 681 to a total of 990 cells. Some of these cells, in which prisoners are isolated for up to 23 hours a day, hold juveniles, inmates with mental illness, and pre-trial detainees not yet convicted of any crime. Once the expansion is complete, New York City's island jail will have one of the highest rates of solitary confinement in the country.

In increasing its use of solitary confinement at this time, NYDOC is bucking a national trend. A growing body of academic research suggests that solitary confinement can cause severe [psychological damage](#), and may in fact increase both [violent behavior](#) and [suicide rates](#) among prisoners. In recent years, criminal justice reformers and human rights and civil liberties advocates have increasingly questioned the widespread and routine use of solitary confinement in America's prisons and jails, and states from [Maine](#) to [Mississippi](#) have taken steps to [reduce the number](#) of inmates they hold in isolation.

In New York City, in contrast, the Department of Corrections is doing everything possible to expand its use of solitary confinement. Every bed that can be converted is being converted to punitive segregation, [NYDOC Commissioner Dora Schriro said](#) at a November 17 meeting of the City Council's Criminal Justice Committee. Schriro was grilled about a spike in violence on Rikers, both at the meeting and in [recent run-ins](#) with the Rikers guards union. The Correction Officers Benevolent Association [attributes an increase](#) in inmate attacks on the large backlog of prisoners waiting to serve their time in the Bing, as the punitive segregation units are commonly called. Schriro promised that punitive segregation at Rikers is increasing dramatically, although it costs the NYDOC thousands of dollars to convert jail cells into solitary sections, according to the [Daily News](#), and the so-called Bing cells also require extra staffing because guards must escort these inmates everywhere.

Sentences in the Bing range from days to months, and multiple sentences can add up to a year or more. During this time, inmates leave their cells only for short periods of segregated exercise and in order to bathe, attend religious services, or receive visits. Punitive segregation is one of several management strategies for preventing and reducing violence in the jails, Sharman Stein, Deputy Commissioner for Public Information at the NYDOC, said in an email to Solitary Watch. She added that the NYDOC also utilizes a reward system to incentivize pro-social behavior.

Nevertheless, inmates can end up doing time in the Bing not only for violent offenses, but for nonviolent infractions ranging from insolence toward guards to testing positive for drugs to possessing contraband of any kind. (In a recent high-profile case, rapper Lil Wayne [received a month of punitive segregation](#) for having a smuggled iPod in his cell.) Schriro said that the backlog of inmates awaiting Bing time is made up of nonviolent offenders only.

Critics believe that solitary confinement is overused, rather than under-utilized, on Rikers. DOC should find methods that are rehabilitative not punitive, says Jennifer Parish, Director of Criminal Justice Advocacy at the Urban Justice Center. Advocacy groups including the Urban Justice Center, Legal Aid Society, and Correctional Association are [convening a strategy session](#) on December 1 to discuss the problems at Rikers, including the dramatic growth in solitary confinement.

Some critics argue that large-scale punitive segregation is a misguided response to prison violence. Prison officials often cite a decrease in violence after expanding the use of solitary, said Stuart Grassian, a psychiatrist who served on the faculty of Harvard Medical School and has conducted studies on the effects of solitary confinement. I think this needs to be placed in context. Of course when inmates cannot interact with each other or with staff they simply cannot engage in violent behavior. But this does not mean that the problem of violence is thereby addressed. You can put a dog in a cage and beat it and starve it and kick it all you want. It certainly won't be violent as a result. Until, that is, you open the cage.

As Grassian pointed out in an interview with Solitary Watch, The cages at Rikers will, someday, open. A majority of inmates in the island jail are in detention awaiting trial, and the rest are serving short sentences of up to one year, mostly for nonviolent crimes. So virtually all the inmates confined in that way will, someday, get out, and be among us, Grassian continued. Then the pent-up violence their confinement caused will be unleashed, not in solitary, but out among us in the community.

According to Sharman Stein, adolescent male inmates are among the most prone to violence, which is why the NYDOChas chosen to add 60 new isolation cells to Rikers Islands [scandal-ridden](#) Robert N. Davoren Center, the facility that houses male teens. Stein stated that since expanding the number of solitary units at Davoren, fights have decreased by 39 percent over a six month period. At the same time, [critics contend](#) that isolation is [especially damaging](#) for teenagers.

I couldn't believe they would treat a child this way, said Lisa Ortega, a single mother and community activist in the Bronx, whose 16-year old son was sent to Davoren last year on charges of possessing a firearm. In an interview, Ortega said her son suffers from extreme hyperactivity and other psychological problems, though he has not been clinically diagnosed. He was placed in solitary confinement within a week of arriving at Rikers for cursing at a guard.

Ortega said that her son suffered terrible anxiety attacks while in solitary and talked openly about harming himself to escape the isolation. He was released from punitive segregation after about 10 days, but soon was accused of inciting a riot after getting into a fist fight. This time he was sentenced to 20 days in the Bing, and his physical health deteriorated along with his mental condition. I was shocked by ambient zolpidem online when I saw him, Ortega said. He had lost 20 pounds, and his hair was falling out. A sixteen-year-old boy whose hair is falling out!

Ortega's son is now facing an 80-day sentence in solitary confinement, once again for fighting. Ortega believes strongly that her child would benefit greatly from a thorough medical evaluation, a formal diagnosis, and an appropriate course of treatment. So far she has been unable to get Rikers to provide that level of care. They gave him some anxiety medicine after he threatened to hurt himself. That was the end of it.

One-third of the prisoners on Rikers have been diagnosed with mental illness, making the island jail effectively the largest in-patient psychiatric facility in New York State. While the NYDOC maintains several special mental health units, it also has two punitive segregation wings designated specifically for inmates with mental illness and advocates say that the mentally ill are found throughout the Bings.

Solitary confinement has been shown to [cause psychological damage](#) to prisoners without underlying psychiatric conditions. (One study showed reduced EEG activity after as little as one week in solitary.) For those with mental illness, isolation can be particularly devastating. [According to Terry Kupers](#), a clinical psychiatrist and professor at the Wright Institute in Berkeley, solitary confinement is an extreme hazard to the mental health and wellbeing of inmates who are suffering from or prone to serious mental illness. It causes irreparable emotional damage and psychiatric disability as well as extreme mental anguish and suffering, and in some cases presents a risk of death by suicide.

Yet by exhibiting the symptoms of untreated or inadequately treated mental illness, these very inmates are more likely than others to land in the Bing. The fractured system creates a perpetual cycle of crime and punishment which can be extremely difficult to break.

Randi Sinnreich, a social worker at Bronx Defenders, related one example of how this paradox plays out. Several years ago she represented a young man who had been clinically diagnosed with bi-polar disorder. Charged with stealing a cell phone and unable to afford bail, her client was forced to wait for his trial on Rikers Island. When he arrived at the jail, he was misdiagnosed and then denied the necessary medication that would control his disease. As a result, his behavior became erratic and he was soon serving time in punitive segregation. Living in extreme isolation triggered more outbursts, and following each episode his sentence in solitary was extended.

Sinnreich spent countless hours working through the administrative red-tape at Rikers in attempt to get her client a psychological re-evaluation. She ultimately succeeded, and his condition was re-classified, but not before he had served almost a full year in solitary confinement while awaiting trial. Sinnreich said she worries that with more than 300 new solitary confinement beds to fill, a growing number of prisoners in need of mental health treatment will instead be spending more time in 23-hour-a-day lockdown.

In September, the Bloomberg Administration announced a new initiative designed to address the high rate of mentally ill prisoners in the city's jail system. According to a [press release](#), the initiative's steering committee is committed to investigating the specific challenges this population faces and ensuring their needs are in fact being addressed.

While encouraged by the announcement, advocates for prisoners with mental illness are perplexed by the NYDOC's decision to simultaneously undertake the largest expansion of solitary confinement units in recent memory. According to the Urban Justice Center's Jennifer Parish, the two initiatives are directly at odds, since it is well documented that solitary confinement has a negative impact on mental health.

Once the expansion of punitive segregation at Rikers is completed and the cells filled to capacity, close to 8 percent of the island's average daily population of 12,700 inmates will be in 23-hour-a-day lockdown. This exceeds even the rate of disciplinary segregation in New York State's prisons, which at 7.6 percent is the highest in the nation, [according to a report by the Correctional Association](#). Nationwide, the rate of solitary confinement is thought to be between 2 and 4 percent, which itself far exceeds the rates of solitary confinement in other industrialized countries.

The [American Civil Liberties Union](#), [American Friends Service Committee](#), and [National Religious Campaign Against Torture](#) are among the national groups that have taken a strong stand against what the ACLU calls the dangerous overuse of solitary confinement in the United States. In October, [Juan Mendez](#), the United Nations Special Rapporteur on Torture, called on UN member nations to ban nearly all uses of solitary confinement. Mendez criticized precisely the kinds of practices that are alive and growing on Rikers Island, stating that the isolation of prisoners should never exceed 15 days, and that it can amount to torture or cruel, inhuman and degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles.

Beyond concerns about its innate cruelty, Grassian argues that solitary confinement is bad for society as well as for the prisoners themselves. Inmates who have spent time in solitary on Rikers will someday leave prison, he says, and our prison system will have succeeded in making them as out of control and dangerous to the community as it possibly could. Rikers will not have gotten tough on

crime. It will have gotten tough on us on the community to which these individuals will someday return.

Note: This story includes an updated number for the total punitive segregation cells Rikers will hold once the expansion is complete. This number was provided today by the NYDOC in response to our story. It differs slightly from numbers the NYDOC previously provided to Solitary Watch, and more dramatically from the numbers reported earlier today by the Daily News. (The News cited Schirio saying they would increase 45 percent over the current level of 862 units, which would have brought the total to 1,250 cells. The NYDOC, however, says the 45 percent increase is over earlier levels, and will bring the total to 990.)

Dina Levy was a research and reporting intern for Solitary Watch and has had a long career in housing and community development, most recently as senior vice president of Homeownership and Community Development for New York State Homes and Community Renewal. 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.

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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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As a former p.o.w. of the struggle I also experienced life in solitary confinement (Bing, box, hole etc.) , was slashed in my face (150 stitches) while in my cell & till this very day still bears the scars emotionally, physically & spiritually until the day I envision a revolution of justice against the NYDOC as well as the state & Federal Gov.

ok now i am pissed off i live in ny state and i know ny is not the normal state to go so low yes they done things wrong but in many cases they pulled others out of the hole of solitary not throw them in it i am so sickened to hear this is going on in the state where we have the shu bill what is wrong with the damn docs they were doing ok in a lot of ways and now they jumping off the boat wtf ny docs this state will not be a state known for love of solitary ny can not become like texas and ca all the way back ny leads the way in helping and doing good but now this why does not matter it must be stopped we can not let this state fall we have to stop this if ny falls it will not be long before the rest do if we do not stop the use of solitary from becoming the norm we will not like what happens when it does may there be light in the darkness of justice

Arizona started increasing their double bunking efforts of their max custody prisoners back in October 2009 and very quietly added over 320 bunks in their special management units. This was to address increased violence against staff and other prisoners. Since then, the routine has been stepped up and AZ is now facing a bed shortage at a Level 5 custody thus expect them to double bunk again.. Those extra max beds were filled in less than four months as the detention units were overcrowded waiting for max bed space. Expect this to continue as long as they are mixing the mentally ill with the behavioral prisoners allowing such attacks to occur as the mentally ill are victimized in two ways. first they are identified as predatory and locked up and second they are victimized and locked up..either way they go to solitary confinement. and lose their grip on reality and survival..

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