

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/01/19/solitary-confinement-in-great-britain-still-harsh-but-rare/>

## Campaign and Advocacy

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by [Elisa Mosler](#) | January 19, 2012

While this type of segregation is administered on a [case-by-case basis](#) and is officially non-punitive, there are some concerns that confinement orders may constitute punishment, sometimes arbitrarily. The G.O.O.D. rule is fairly open to abuse, as staff may place a prisoner in confinement merely if they believe that he may be a breach to security. [Examples](#) of the application of the G.O.O.D. rule include segregating prisoners who are suspected of possessing drugs or those who engage in dirty protests using body wastes, which is often a manifestation of a mental health problem.

Inmates may also be placed in intensive management as punitive cellular confinement, for attacks on other prisoners and guards. This is used as a disciplinary measure by prison authorities. Adults may be held for 21 days and young adults (including those under 18) for 10. Very short stints in solitary confinement are extremely common: In 2009, over a quarter of prisoners segregated in [Wandsworth](#), the UK's second largest prison, were allowed to rejoin integrated units after a few hours of isolation. An average-sized prison with a segregation wing typically has approximately 15 cells in it, a small number of which will be occupied at any one time. As there are no centrally collated statistics on segregation, it is difficult to estimate the total number of prisoners held in isolation at any given time. A very rough estimate of this number is 500, based on the number of prisons that have segregation facilities. In the United States, the total number of inmates in segregation is at least 80,000, with 25,000 in supermax facilities alone.

A second type of segregation takes place in small groups. Groups of less than ten people occupy cells in Close Supervision Centers. These centers, set up in 1998 in response to widespread prison violence, were [intended to indefinitely separate](#) the most disruptive prisoners from the mainstream prisons to address their anti-social disruptive behavior in a controlled environment and to stabilise behaviour and prepare them for a return to the mainstream with minimum disruption. There are [approximately 30 prisoners](#) in CSCs at any one time in the UK.

Conditions vary hugely from prison to prison, though all segregated prisoners are visited by a staff member, nurse, and chaplain every day. Segregated prisoners in the [Isle of Wight](#) prison are forced to choose between a shower or exercise on weekends and have no re-integration programs, while those in [Acklington](#) sometimes only received 30 minutes of exercise time each day. Most isolated prisoners are, however, permitted unlimited outside visits and have an in-cell television. Inmates housed in the Special Secure Unit in Leicester have their own kitchens to prepare their own food. Prisoners are usually given a written explanation of why they are placed in segregation as well as an informational leaflet about the process. Prisoners selected to enter CSCs are notified of the move months in advance.

### Two Decades of Reform and Regression

Reviewing the history of criminal justice trends in the UK, it is clear that the present situation is the product of deliberate reform over the decades. Overcrowding, brutal use of segregation and general mismanagement sparked extreme violence in British prisons throughout the 1970s and 80s. The most famous prison disturbance occurred in [1990 in Manchester's Strangeways prison](#), where violence erupted as hundreds of inmates fought for better conditions. The event led to the 1991 [Woolf Report](#), which successfully put forward a package of reforms that demonstrated a more preventive and less punitive approach to tackling prison violence.

Through the report and several other reforms, by 1998 solitary confinement was reduced in favor of the Close Supervision Centres [according to one account](#), largely on the basis of English compromise and pragmatism. In [these centers](#), which were designed to combine isolation with engagement, prisoners have access to education programs, libraries and daily exercise. Individual monthly reports review prisoners' progress in the units. In these centers, prisoners are rewarded with increased responsibility and freedom for showing signs of co-operative behavior, in an incentive and progression model. CSCs' system of rewarding social behavior has often been successful in [reducing violence](#), and many high-risk prisoners who have been repeatedly moved between intensive management units in various prisons are often placed in them. However, a [2000 report](#) found that Close Supervision Centers were still too focused on punitive techniques, and similar to the traditional solitary confinement they were intended to counter. The report also criticized the lack of adequate psychiatric support offered to prisoners and the anonymity of the system as a whole. Due to lack of personalized attention and care, many prisoners remained disruptive in segregation, commonly using techniques such as dirty protests. There have also been [criticisms](#) surrounding the selection procedure for CSC admission; many have committed isolated violent offences in prison and others are mentally ill. Prisoners may also now be placed in CSCs for certain gang activity and, perhaps worryingly, religious extremism.

Segregation techniques reappeared in the public eye a few years ago when concerns were raised relating to their use on children. The [Carlile Inquiry of 2006](#), established to investigate treatment of children in custody, revealed that isolation was being used as punishment for children and youth in prisons and corrections centers. Cell conditions were found to be poor and the high level of self-harm among the youth [alarming](#). The UK Youth Justice Board [responded](#) to the inquiry's recommendations and extreme custody for children has since been reduced.

A second well-publicized problem plaguing British segregation units is high suicide rates. [A fifth of prison suicides](#) in England and Wales in 2005 took place in isolation units. A [2002 report](#) by the Royal College of Psychiatrists stated: In general, solitary confinement necessarily fosters the suicidal tendency by depriving the prisoner of the obvious safeguards inherent in useful activities and more particularly in healthy social intercourse. A [2009 Prison Report](#) found that a number of inmates at risk of self-harm were being held in segregation units.

### **A System of Oversight for British Prisons**

The EU is, officially, no friend to isolation. [Article 3](#) of the European Convention on Human Rights (ECHR to which the UK is signatory) states: No one shall be subjected to torture or to inhuman or degrading treatment or punishment and The European Court of Human Rights has in the past [stated that](#) complete sensory isolation coupled with complete social isolation can no doubt destroy the personality.

Though there has overall been an increased willingness to investigate prison conditions in adherence to the European Convention, rulings are still somewhat [inconsistent](#), mainly because of the open-ended wording of Article 3 and differences in practice between Member States. Courts seem reluctant to qualify many cases as violations of Article 3, demonstrating a certain tolerance towards segregation. The judicial view seems to be such that is not in breach of Article 3 provided it [the segregation] is reviewed, necessary and not too lengthy, says Dr. Steve Foster, human rights specialist and Principal Lecturer in Law at Coventry University.

Rulings trickle through on a case-by-case basis and the EU has been reluctant to make standardized rules on solitary confinement. Courts have been described as following a [reactive rather than pro-active stance](#) that make them unreliable as a sole mechanism for enforcing standardized rights in prisons.

More effective than European-based monitoring, however, is the domestic tripartite system established in 1980 to inspect prisons, after it was deemed necessary to set up a prison-inspecting body independent of the government to prevent human rights violations. The system was designed to be [preventive and proactive](#), as well as to expose and deal with abuse or malpractice.

The National Preventive Mechanism is made up of three bodies: the Prisons Inspectorate, the Prisons and Probation Ombudsman and the Independent Monitoring Boards. Her Majesty's Chief Inspector of Prisons (HMCIP), set up in 1982, has the statutory responsibility to inspect and report on every prison, police custody site and immigration detention center in England, Scotland and Wales. The Inspector has the right to enter any prison at any time. The Inspector may also by invitation inspect prisons in Northern Ireland. Adult prisons are inspected twice in five years; once for a full (often unannounced) inspection lasting a week and once for a follow-up. The United States has no such system of oversight. It is clear that the multitude of human rights violations seen in U.S. prisons would be curbed if a comparable system of checks and balances were in place. As a result, the pressure to expose and change violations is shifted towards advocacy groups and non-profit organizations.

The Prisons and Probation Ombudsman (PPO) has two functions. It investigates individual prisoners' complaints and on the basis of these, makes recommendations that are usually enforced. It also investigates each death occurring in prison (even if from natural causes). Out of total of 5,291 complaints received by the PPO in 2010-2011, [only 12](#) were regarding segregation. There were 32 complaints about prison food. The PPO investigated all 12 of the segregation complaints, all of which were relatively minor and generally questioned the reasons for being placed in short-term isolation. Because it deals solely with individual issues and complaints, the Ombudsman does have a limited impact, though its transparent methods and reports give a valuable snapshot of what the most pressing issues within prisons are.

Each prison has an [Independent Monitoring Board \(IMB\)](#), composed of a group of local volunteers. There are 1800 volunteers attached to 137 prisons and 9 immigration removal centers throughout England and Wales, all of who perform routine inspections. Board members, who have full access to prisons at all times, submit an annual report to the Home Secretary. Prisons [must notify](#) their IMB of each decision to place a prisoner in segregation within 24 hours. A member of the board then has a duty to visit the prison within 72 hours. In a 2009 thematic review of segregation by IMBs, some [complaints were raised](#) about failures of being notified in time as well as staffing and security issues in segregated units. However, no concerns were made about the use of Rule 45 to place prisoners there in the first place, suggesting arbitrary segregation is fairly limited. The report did note that there were too many mentally ill prisoners in segregation. Though their website states they: perform a vital [watchdog role](#) on behalf of Ministers and the general public, IMBs are the weakest of the three mechanisms, probably due to their lack of executive power.

[HMCIPs inspection visits](#) are preceded by a survey of over one hundred questions sent to prisoners. HMCIPs then visit the prison where they have unrestricted access, are free to interview all prisoners and look over all the prison's records. Assisted by healthcare specialists, substance inspectors and education experts, the Inspector assesses all aspects of prison life. The Inspector then makes judgments on a prison, called Expectations, that use international human rights standards to evaluate that prison. Overall judgments are made on the health of the prison: whether the inmates are held in safety, treated with respect for human dignity, whether they are able to engage in purposeful activity and whether they are prepared for resettlement.

After receiving the Inspector's report, each prison must draw up an action plan on whether they will follow the given recommendations or not. Incredibly, even though recommendations are not legally binding, they are adhered to [95% of the time](#). An unannounced follow-up visit by the Inspector measures how far the prison has implemented its action plan [70% of the time](#); implementation is found satisfactory.

The last Inspector [Anne Owers] was quite instrumental in highlighting inadequacies and forwarded a good number of issues to parliament, the government and the public, says Dr. Steve Foster. Owers called solitary confinement a [prison within a prison](#) and led a

[thematic review](#) of all segregation units in 2006. Though the report praised recent efforts to integrate mental health treatment into custody, it also found a great number of segregated inmates in need of much greater psychiatric help. The report stated that though there is no doubt that the system has evolved positively, certain conditions were still inappropriate. Recreation opportunities were found to be inadequate and mental health treatment limited: Many of those prisoners are deteriorating further while held in lengthy solitary confinement. At the very least, they need individual, multi-disciplinary and properly-resourced care plans. Segregation was found to be used disproportionately on non-white prisoners; 73% of isolated inmates were black or belonged to ethnic minorities. One encouraging finding of the review was that the number of prisoners in segregation was actually decreasing.

[Owers recommendations](#) following the inspection included tailor-made mental health treatment for individual prisoners and increased opportunities for out-of-cell recreation. Of the 38 recommendations made by the inspection team, 16 were adopted.

### **A Parallel Universe of Persistent Prison Problems**

Though this is no doubt encouraging, improvements in reports should not always be taken at face value. We have a parallel universe going on here, whereby what the Governor of the prison thinks has been implemented is not necessarily how things operate on the ground, says [Professor David Wilson](#), Director of the Centre for Applied Criminology at Birmingham City University.

Later reports on segregation describe almost identical problems, 4 years on. A [2010 general report](#) stated that though many segregation units had been redesignated care and integration or care and separation, reorientation or intensive supervision units, they continued to operate as traditional segregation units, with the emphasis on separation rather than care. Segregation was over-used in many prisons and the inadequacy of staff training to deal with the most problematic prisoners was highlighted. Some units did not have daily access to washing facilities and telephones and conditions were generally poor: Communal corridors were ingrained with dirt, despite attempts to keep them clean, walls were damaged, and there was no natural light. Cells were dirty and poorly maintained with graffiti on many walls. In-cell toilets needed deep cleaning.

Similarly, [recommendations made in 2007](#) concerning approaches to tackling prisoners self-harm in Woodhill prison were clearly not adhered to properly when a prisoner with a history of self-harm was permitted to enter a shower with a razor, later [committing suicide](#).

Overall the monitoring system presents impressive checks and balances to the Home Office's authority and has been met with relative responsiveness. There is no doubt that the mechanism is generally positive, though clearly much more care needs to be taken to ensure that prisons adhere to recommendations. One main issue seems to be the need for a more standardized set of prison conditions, which would eradicate the wild disparities in segregation conditions across the country.

The monitoring system aside, solitary confinement is not seen as a pressing human rights problem by the government. It is instead considered more of a management issue by a government with perceived greater prison problems. The government's main concern at the moment is over-crowding and expense, says Dr. Foster.

It seems that although attention has been paid over the years to ameliorating prison conditions as a whole, segregation issues remain fairly low on the public agenda, with only small snippets of information on the segregated underworld reaching the media. It is feared that future cuts in public spending will make prison conditions deteriorate, and segregated prisoners will no doubt feel the effects of this.

Elisa Mosler was a research and reporting intern for Solitary Watch and is now a research and data officer at the International Office on Migration in Berlin.

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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I think this article is extremely biased.

First off I agree that we have an unusually high incarceration rate in America. But at the same time, we also have a murder rate 5x higher than the UK. Thus, it should come as no surprise why we have a higher prison population and more prisoners in solitary confinement.

There are around 15,000 murders per year in America compared to only 400 murders in the UK. One city in America has more homicides than the entire UK. And in the early 90s, there was around 25,000 murders per year in America.

Furthermore, the issue of gang violence is much more prevalent in America than the UK. Inmates are often segregated for safety reasons.

Regardless the U.S. once had one of the lowest incarceration rates in the world. It was only in the late 80s (early 90s) that the prison population began to rapidly expand. This was because of several reasons, but mostly because of pressure from various lobbyist groups like private prisons & the powerful military industrial complex (which this article mysteriously fails to mention).

Also, America is far larger than the UK. It takes awhile for each state to change its laws, as the federal government can be slow to react.

It's also important to keep in mind that the UKs (and Europe's) relatively low incarceration rate is mostly due to EU laws & the Council of Europe which member states are obligated to abide by. Without them, I'm sure the UK and most of Europe would be incarcerating far more people than this article mentions.

What's the proof? Look at non-EU countries like Russia, Ukraine, and Belarus which have some of the highest incarceration rates in the world along with some of the harshest prisons.

Our military regularly murders civilians. Our politicians come on Tv announcing the murder of Gadaffi's grandchildren with glee. Our bankers and politicians regularly steal from us. There is absolutely NO difference between people in prison for the most vile crimes and those on the outside putting them there. It's gang warfare in the outside world, except they give each other medals and honours. What goes on outside is brought inside, behave, do what you're told, accept the acceptable gang culture or else.

I was always under the impression that paedophiles were segregated from other prisoners

Really Britain you hold yourself so highly shame on you for using solitary at all less it be the last resort left do you not recall learning from esp solitary does not work do recall Dickens words and keep them close at hand may there be light in the darkness of justice

Most of the people who are dishing out these sentences in USA, are more corrupt than the people they are locking up.

This USA pales in comparison to the US of 50 years ago, the judges, lawyers, jailers, and all the employ are 90 pct of the cost of incarceration, this would include brick and mortar.

It's the fastest growing cottage industry in Colorado, and I'm sure the rest of America as well.

I'd like to take up arms and make a stand.

There is one prisoner in the UK that has exceeded all in the length of time that he has been kept in Solitary Confinement, it's now 30 years and that man is Charles Bronson, a.k.a. Michael Peterson, a convicted Bank robber who hasn't killed anyone.

Reblogged this on [nigh](#).

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