

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/11/28/solitary-confinement-on-rikers-island-an-interview-with-the-prisoners-rights-project/>

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by [James Ridgeway and Jean Casella](#) | November 28, 2011

Last week we wrote about the [dramatic increase in the use of solitary confinement](#) currently underway on Rikers Island. By the end of this year, Rikers will have close to 1,000 punitive segregation units for a population of 12,700 inmates giving the island prison one of the highest rates of solitary confinement in the country (and thus, the industrialized world). The majority of the prisoners on Rikers are awaiting trial, while the rest are serving short prison terms of up to one year. Approximately one-third of them suffer from mental illness, and more than 800 are juveniles.

The New York City Department of Corrections (DOC) and Corrections Officers Benevolent Association (COBA) say that the increase in solitary confinement is a necessary response to increased violence at Rikers. A number of groups that advocate for prisoners disagree. Among these is the Legal Aid Society's [Prisoners Rights Project](#) (PRP), which, protects and enforces the legal rights of New York City and New York State prisoners through litigation, advice, and assistance to individual prisoners, according to its mission statement. PRP is the host and co-sponsor of [a meeting to take place on December 1](#) to discuss issues of concern in New York City jails, including the rising use of solitary. In response to a set of questions emailed by Solitary Watch, the PRPs Sarah Kerr, John Boston, and Jonathan Chasan provided the following analysis.

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**SW:** *The DOC is clearly presenting what they call a chronic shortage of punitive segregation beds as a primary reason for the recent rise in violent incidents at Rikers. They are also presenting the increase in isolation beds as the best perhaps the only way to deal with this problem. What would you say in response to this?*

**PWP:** We do not believe that there is a genuine shortage of segregation beds. In fact, the jail population is several thousand prisoners lower than it was in the late 1990s, when there were fewer segregation beds than there are today. To the contrary we are finding that there are problems with Department of Correction policies and practices which are artificially inflating the need for segregation beds without dealing with problems in jail management.

For example, the disciplinary process is often a sham in which due process requirements are not observed. The Legal Aid Society has received numerous complaints from prisoners who report being falsely marked as refusing their disciplinary hearings, and who were then sentenced to punitive segregation without having a hearing. Punitive segregation sentences are artificially inflated by bringing multiple charges for the same actions if they affected more than one person.

We believe a substantial number of people are wrongly held in punitive segregation. Some of these prisoners were assaulted by correction staff, sometimes as a result of minor rules violations or purely verbal misconduct, and then charged with assault on staff a very common complaint, and one we find credible based on lengthy experience litigating cases of misuse of force by DOC staff.

Moreover, the DOC policy of returning prisoners to punitive segregation if they were previously released from jail before completing their segregation time, is imposed without regard to the length of time that has passed between periods of incarceration, and without any assessment of current need for segregated confinement on any basis.

Contrary to the COBA presentation of this issue, punitive segregation is not solely utilized for those who have committed violent infractions. DOC should do a utilization analysis of its segregation population to identify prisoners in segregation who do not merit such isolating and punitive confinement. Although this has been recommended, DOC has declined to do this analysis in the past, and we do not know if the present administration has remedied that omission.

We do agree that there is currently an increase of violence in the City jails. Our contacts with the jail population show an increase in injurious violence by staff against prisoners, which is confirmed by data on the DOC web site indicating an increase in uses of force with injury: [http://www.nyc.gov/html/doc/html/stats/doc\\_stats.shtml](http://www.nyc.gov/html/doc/html/stats/doc_stats.shtml).

It is three years since adolescent prisoner Christopher Robinson was killed by other prisoners with uniformed DOC staff complicity as part of a sadistic society referred to as The Program. Three DOC staff members were criminally indicted for their participation in the

violent group. Two Correction Officers pled guilty last month and another Correction Officer and seven inmates are still awaiting trial.

The Legal Aid Society continues to receive complaints from prisoners of assaults and threats under circumstances suggesting continued staff complicity or acquiescence. We have brought several cases for inmates beaten by gang members at the solicitation of, or with the facilitation of DOC staff. We have litigated a number of class action injunctive cases, and damage cases on behalf of City inmates severely injured in staff beatings and these cases have settled for sums totaling millions of dollars.

**SW:** *What are your thoughts on the relationship between the high number of inmates with mental illness at Rikers and the high rate of solitary confinement?*

**PWP:** We are extremely concerned that a significant number of detainees and prisoners with serious mental illness are confined in harmful solitary confinement in the NYC jails. The mental health treatment program in the City jails is not effective. Individuals with inadequately treated mental illness who cannot conform their behavior to jail rules due to untreated symptoms or who are punished for symptomatic behavior, end up in solitary confinement where their condition worsens and they may accumulate additional disciplinary infractions and sentences to isolated punitive segregation.

**SW:** *We understand that a number of the new punitive segregation cells are for adolescents. What do you think about this? Are there alternative ways to deal with violence among the teenagers at Rikers?*

**PWP:** Christopher Robinson, the murdered inmate discussed above, was only 18 at the time of his death. The Program, in which DOC staff was complicit and which beat him to death, was in the juvenile facility on Rikers. Clearly DOC has a lot to do to train its staff and learn to manage the adolescent population in a humane manner. However, the idea that the solution is to utilize punitive segregation cells as a first resort is ill founded.

The adolescent population requires adequate supervision by staff who are trained to deal with the adolescent population and are trained in recognizing mental health issues in adolescents. Adding and utilizing punitive segregation cells for adolescents is a terrible threat to young peoples mental health and a grossly inadequate response to young prisoners with mental health issues. The correct response would include increased mental health services and to provide adequate close supervision of the adolescent population to control the level of violence in it.

**SW:** *Why are you among the organizations convening the December 1 meeting now, and what do you hope it might accomplish?*

**PWP:** The Legal Aid Society is hosting the development of a new coalition of organizations and individuals advocacy, mental health, prison family members, ex-offenders to work together on issues of concern in the City jails. This came out of our work with the Mental Health Alternatives to Solitary Confinement coalition (MHASC). The work of MHASC resulted in the passage of the SHU Exclusion Law limiting the use of solitary confinement of prisoners with mental illness in the New York state prisons. We hope to duplicate reforms won in the state prisons and to provide the community with a voice in the current discussion about the prevalence of individuals with mental illness in the City jails and other issues of concern. We believe that other issues will include over-use of solitary confinement (regardless of mental health), lack of needed mental health treatment and housing options in general, and problems with brutality and other forms of mistreatment.

The meeting is planned as a brainstorming session designed to find common concerns and ideas for implementing reform (litigation, legislation, public education, training, lobbying, testimony). The goal will be to work together moving forward with a broad coalition of stakeholders participating in working together to improve the City jails.

You asked above whether increasing punitive segregation cells is the correct way to deal with the increase in violence at the City jails. We do not believe that an increase in punitive segregation cells is an appropriate response to the myriad problems in the City jails. The culture of brutality by DOC staff has not been sufficiently redressed through oversight and training. There is a failure to provide the population of detainees with mental health needs with sufficient treatment that would accommodate their disability and permit them to participate in the jail program without running afoul of disciplinary rules. Training, oversight and improved mental health care should be the first response to reducing the level of violence in the jails.

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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the only thing that needs to be asked is have you ever been forced to do a week or more in solitary before building this and using it on others have you not learned a damn thing from ESP did you give up on helping the world of prisons do you want ny to be known for solitary do you want to fail the years you helped ny led the way from the start if we take solitary as good we will be shooting ourselves in the foot this but is not the way for ny yes ny did damn the one black panther sadly and i do mourn the fact of that but i do not wish to see a day in ny or are nashion where such sentences like that are the norm in ny or anywhere that judge who ran that case should never have been a lound to give life in solitary but some how he did and some how it stood but if we as ny say yes to solitary it will not be long before we think like that judge but in every case ny should not be pro solitary the day it is running it prisons like adx is the day ny fails let not the ways of the tribunal take ny from us may there be light in the darkness of justice

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