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Criminal Justice Issues and Prisoners' Rights

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Our Weekly Roundup of News and Views on Solitary Confinement

by [Valerie Kiebala](#) | March 16, 2020

ABC [reported](#) on New York Governor Andrew Cuomo's announcement that in response to COVID-19, people incarcerated in the states' prisons will be producing 100,000 gallons of hand sanitizer per week to be provided to residents for free. Cuomo contracted the production under a deal with Corcraft, the brand for products produced in prisons, but advocates have called the deal slave labor. Tina Luongo and Adriene Holder of the Legal Aid Society said, "Incarcerated people in New York have always been forced to produce essential products for state agencies. These individuals work for less than a dollar a day under threat of punishment including solitary confinement if they refuse. According to the Department of Corrections and Community Supervision, 98 incarcerated people producing the sanitizer are currently being paid \$.16 per hour."

Slate [published](#) a piece calling for a solution to the spread of COVID-19 in prisons other than the use of lockdowns and solitary confinement, which has been the reaction of prison administrators in past public health crises. The article argues, "Keeping people trapped inside facilities under heightened restrictions will do less, not more, to protect the greater community. Movement between people on the inside and on the outside is ceaseless. And because carceral facilities cannot operate without staff, who move in and out of these spaces every day, heightened restrictions are largely futile. The only meaningful way to keep the most people safe is to decrease the number of people incarcerated."

The *Associated Press* [investigated](#) the death of Cuban immigrant Roylan Hernandez Diaz, who died last October in solitary confinement at Richwood Correctional Center, a privately operated Immigration and Customs Enforcement (ICE) facility in Louisiana. Hernandez had been held in solitary confinement for six days after he voiced his desire to go on hunger strike in protest of the continued denial of his parole and postponement of his plea for asylum. On the sixth day of his isolation, Hernandez was found hanged in his cell. Though ICE standards require staff to observe each person held in isolation every 30 minutes, surveillance footage shows an officer twice passing by his cell in the hour before he was found dead, without looking in the window. A medical expert hired by AP concluded that Hernandez was likely dead for several hours before he was found.

The same facility, Richwood Correctional Center along with another Immigration and Customs Enforcement (ICE) facility in Louisiana, LaSalle Detention Facility now face a complaint, claiming both facilities subjected 27-year-old Guatemalan asylum seeker Anderson Avisai Gutierrez to an inappropriate use of segregation and disability discrimination. [According](#) to *Courthouse News Service*, Gutierrez suffers from severe psychiatric disabilities and attempted suicide during his eight months in solitary confinement. Gutierrez wrote, "Sometimes you miss taking a shower. You don't eat, because they suddenly forget about you. They forget to wash your clothes. The light is on day and night 24 hours a day, every day. You are locked up like an animal on exhibition, since everyone that passes can see you. The complaint alleges that ICE and the facilities violated federal disability laws in their use of solitary on Gutierrez."

WFHB hosted Alisa Roth, author of *Insane: America's Criminal Treatment of Mental Illness* and mental health correspondent for Minnesota Public Radio, on their [podcast](#) to discuss the intersection of mental illness and punishment in jails and prisons. According to Roth, "Half of the people in our jails have a mental illness and even more people develop mental health issues from the conditions in correctional facilities or lack of proper medicating practices. Roth explained, 'When people can't follow the rules because they can't understand them or because their paranoia makes them think that following the rules is going to get them hurt, the punishment is solitary confinement, which basically means being shut in a window-less room by yourself 23 hours a day, and it can make people who are sane completely mentally ill, but for somebody with mental illness, it's absolutely devastating.'"

Florida Politics [reported](#) that the Tammy Jackson Act, a Florida bill that would place restrictions on solitary confinement for pregnant women, passed the Senate unanimously last week. The bill takes its name from a woman who was forced to give birth in solitary confinement while she was held in the Broward County Jail. The bill had passed the House, but changes added by the Senate must still be approved by the House before the bill moves forward. The Senate added a requirement for officials to document the justification for placing a pregnant woman in solitary within twelve hours, explain why an alternative could not have been used, and note if the facility's head of medical care objects to the use of solitary.

Crosscut [reported](#) that a Washington State bill to restrict the use of solitary confinement for youth has passed both the Senate and the

House, and now awaits Governor Jay Inslee's signature. The bill differs from a 2017 ordinance in King County banning the use of solitary on youth in that the ordinance considers room confinement and non-punitive isolation equivalent to solitary confinement, while the state bill considers them alternatives and allows them to be used for disciplinary, behavior, or safety measures. The bill mandates staff checks every fifteen minutes, limits the practices to four hours within a 24-hour period, and requires youth to have access to basic needs. At a public hearing, the bill's House sponsor Representative Strom Peterson said, Subjecting kids to solitary confinement is nothing short of torture. Its end is way past due.

The *CT Mirror* published an [op-ed](#) written by Stop Solitary CT organizer Barbara Fair, examining the use of solitary confinement across Connecticut. Fair cited a Connecticut Department of Corrections report from 2018 that found 77 percent of the people held in restricted housing, 82 percent of people held in administrative segregation, and 88 percent of people held as a Security Risk Group were African American and Hispanic. All three are types of solitary confinement. Fair said, This tells us that not only is the practice of isolating prisoners sadistic, it is racist in practice as well. And for those subjected to it, Fair wrote, Solitary confinement leaves lifetime emotional and psychological scars. Fair called on Connecticut to reflect on their humanity and ban the torture of solitary.

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*.

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 [Mirilla Zhu](#)

October 26, 2022

by [Caitlin Konya](#)

October 19, 2022

by [Mirilla Zhu](#)

October 12, 2022

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