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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 [Aviva Stahl](#) | February 12, 2017

State representative Aaron Regunburg, who has been chairing a Rhode Island House committee on the use of solitary confinement, was interviewed on a local radio station about the practice. Solitary has been shown to damage mental health, and a high percentage of attempted suicides in prisons take place in solitary confinement, [notes the web link for the segment](#). The question on the table: is this tool worth the cost to an inmates mental and physical health?

A federal appeals court has ruled that Pennsylvania cannot continue automatically housing people in solitary confinement on death row after their sentences have been vacated. Inmates in solitary confinement on death row without active death sentences face the perils of extreme isolation and are at risk of erroneous deprivation of their liberty, Circuit Judge Theodore McKee [wrote](#) for a three-judge panel. Accordingly, they have a clearly established due process right under the Fourteenth Amendment to avoid unnecessary and unexamined solitary confinement on death row. At [Slate](#), Mark Joseph Stern wonders if the ruling means the Supreme Court will be next to consider the question of solitary.

Senators Rand Paul and Cory Booker have reintroduced the MERCY Act, a bill that would prohibit kids who are tried in the federal system [from being placed in solitary confinement](#). Allowing juveniles to remain a part of the general prison population, unless absolutely unavoidable, ensures they are able to have access to education and rehabilitative services and utilize other opportunities to make their transition back into society as smooth as possible, said Senator James Lankford, who also sponsored the bill.

Lawmakers in Oregon are [considering a measure](#) to limit the use of solitary confinement in youth facilities. Youth Authority leaders testified in favor of the bill, stating they already avoid using isolation as a disciplinary technique. Isolation continues to be used for other reasons (besides discipline) for example, if a youth needs a quiet place to regain self-control or regulate their emotions, clarified Sarah Evans, deputy communications manager for the YouthAuthority.

A [proposed bill](#) in Minnesota would prohibit the use of solitary confinement as punishment for nonviolent disciplinary offenses, prevent people from being released straight from solitary, and ban the placement of people with mental illness in the box. There is no law at all about solitary confinement in Minnesota, which seems odd, said John Stuart, criminal justice consultant for Minnesotas National Alliance on Mental Illness chapter. We have law about chickens. We have law about roller-skating. But something that is so important in a persons life, theres no law.

Aviva Stahl is a Brooklyn-based reporter who writes about science/health at the intersection of mass incarceration, national security, and trans rights. Shes written for the New York Times, Wired, BuzzFeed News, Solitary Watch, and other outlets. Find her [@stahlidarity](#) and at [stahlidarity.com](#).

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