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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/09/22/pennsylvania-lawmakers-hear-testimony-on-the-torture-of-solitary-confinement/>

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by [Hannah Taleb](#) | September 22, 2012

Well over one hundred people filled a conference suite at Temple University in Philadelphia on Tuesday, September 18, to hear testimony on the effects of solitary confinement. They included survivors of solitary, family members, community members, advocates, and lawmakers. The hearing was held by the Democratic Policy Committee of Pennsylvania at the request of Representative Ronald G. Waters (D-Delaware/Philadelphia), a member of the committee. It comes in the wake of the first ever [Congressional hearing](#) on solitary confinement, held by a subcommittee of the U.S. Senate Judiciary Committee in June, and serves as yet another marker of how the widespread practice of solitary confinement in American prisons and jails is quickly becoming a mainstream human rights issue.

The hearing also followed a [rally](#) on Monday at Philadelphia's Love Park, organized by the [Human Rights Coalition](#). About 150 participants listened to speakers describe their experiences in solitary confinement, while holding signs and banners that read Jobs Not Jails, Fund Schools Not Prisons, and End Torture in Pennsylvania. One banner listed the names of a group of prisoners who have been held in extreme isolation for from ten to thirty years.



All twenty-seven Pennsylvania state prisons have solitary confinement units, called Restricted Housing Units, and collectively they hold around 2,500 of the country's 80,000 solitary confinement prisoners, about 5 percent of Pennsylvania's total prison population of approximately 50,000. Stays in these RHUs can last for months, years or even decades. In general solitary confinement units in Pennsylvania look much like those across the country: units of tiny cells, lit 24-hours a day, with only food tray slots as portals to the outside world, that are used as warehouses for the mentally ill and politically active. These units have seen three suicides in the last two years as well as the death of [John Carter](#) in April of this year, allegedly at the hands of guards who used pepper spray and stun gun on him during a violent cell extraction.

The Pennsylvania Department of Corrections has a specific designation for those prisoners that are placed in solitary confinement for indefinite periods of time: the Restricted Release List, a program that grew out of what used to be known as the Long Term Isolation Unit. Those on the list can only be released from solitary confinement with the approval of the department secretary; they often have not committed any offense in years, and are given no notice of their grave designation.

The hearing consisted of four panels: mental health experts, legal experts, survivors of solitary confinement, and family members with loved ones in solitary confinement. The first panel consisted of Dr. Terry Kupers and Dr. Craig Haney. Both men are psychologists who have done extensive research on the topic of solitary confinement, and Haney testified at the Senate Judiciary subcommittee hearing in June.

Dr. Kupers began by telling the narrative of how solitary confinement and the idea of the supermax came into prevalence in the United States; a story told and lamented throughout the hearing. Kupers stated that the United States made what he called a historic wrong turn in the 1980s when prisons across the country cut funding to rehabilitative services, and began to see a rise in prison overcrowding and recidivism. Instead of reassessing the system itself, the nation's response was to expand the prisons and propagate the idea that all of the problems of the system hinged on the worst of the worst, those prisoners who needed to be locked away in isolation.

Both psychologists emphasized the well documented proof that solitary confinement leads to, and greatly exacerbates mental illness. In response to the testimony Rep. Ron Waters asked, for the first of many times, how he could convince his fellow lawmakers that current policies and the use of solitary confinement is a policy of tough on crime rather than smart on crime. The representative also pointed out that Pennsylvania taxpayers pay \$33,000 per year to imprison one person, and they deserve a healthy, productive citizen in return, not a mentally ill victim of torture. His remarks were in response to Terry Kupers explanation of someone maxing out of prison and being released straight from solitary confinement back to the community.

The second panel consisted of Jules Lobel of the Center for Constitutional Rights, Marc Bookman of the Atlantic Center for Capital Representation, Angus Love of the Pennsylvania Institutional Law Project, and Robert Meek of the Disability Rights Network. Lobel, the first to testify, via telecast, has represented prisoners in multiple cases challenging the conditions of solitary confinement, including his current representation of prisoners at Pelican Bay state prison in California. His testimony focused on how and why solitary confinement does not achieve its stated goals, using mainly examples of who it is that ends up in these units certainly not the worst of the worst. Instead, race, political affiliation, religion, association, vulnerability to sexual abuse, and challenging violations to ones rights all too frequently play a role in which prisoners are sent to solitary confinement.

The testimony of Angus Love and Robert Meek refocused the discussion towards the causal link between solitary confinement and mental illness. Statistics from research into Pennsylvania prisons, Meek explained, showed that 800 prisoners registered as having mental health issues are currently serving time in solitary confinement units in the state, while beds at the states mental health facility, State Correctional Institute Waymart, sit empty. Meeks testimony called for what he referred to as robust psychosocial treatment for prisoners with known mental health issues and more oversight and consideration of mental illness in punishing a prisoner with solitary confinement. One of Pennsylvanias prisons, SCI Cresson, is currently under [investigation](#) by the Department of Justice for their failure to provide adequate mental health treatment for prisoners. All four of the panelists urged that though programs for treatment and true rehabilitation may cost the state money in the short term, their cost-cutting effects in the long term would be great, and that in order to fix the issue of prisons in our state they must break the cycle of mental illness and incarceration.

The response from the delegates to the testimony presented by the panel of legal experts was thorough and indicated that several members were truly engaged in the subject of abolishing solitary confinement. Representative Vanessa Lowery Brown (D-Philadelphia), reflected on a recent visit to a Pennsylvania prison when she was told by staff that she didnt understand why long term isolation was necessary. The testimony on Tuesday reinforced her belief that it was the staff at Pennsylvanias state prisons that didnt understand. Once again the representative implored the panelists to explain how they thought they should go about fixing the issue. The response from the three men present was unanimous: stop locking so many people up. Marc Bookman, whose testimony focused on the death row in Pennsylvania, pleaded that the lawmakers stop feeding the Prison Industrial Complex and get smart on crime.

As the hearing began nearing its scheduled end time, four solitary confinement survivors began the third panel. Robert King, a member of what is known as the [Angola 3](#), who spent 29 years in solitary confinement in Louisiana, was the first to testify. A dedicated activist and public speaker, King simply talked about his experience in prison, and the effects that long term isolation can have on the mind. Most memorably he stated that he never once would have told you that he wasnt crazy during his time in solitary confinement. No one asked me; if they did I would have told them, of course I feel crazy. The other two members of the Angola 3 are still in prison, convicted on questionable evidence of the 1972 murder of prison guard Brent Miller.

The second testimony was from Shujaa Graham, wrongfully accused of the murder of a prison guard in California which caused him to spend years in solitary confinement on death row. After a fourth trial his conviction was overturned in 1981, and he was freed after eleven years in prison. His voice shaky but sure, Grahams testimony was some of the most emotional of the whole hearing. He stated that he felt he could never truly recover from the effects of isolation and that he only survives today in spite of the system. At the end of his testimony, with the applause of the audience, he told the representatives to stop nickel and diming the people they represent, to do the right thing and stop torturing people in Pennsylvanias prisons.

The last two previously incarcerated people to speak were Hakeem Shaheed and LuQman Abdullah. Shaheed spent time in the federal prison system, including time at the infamous Marion prison, a federal supermax facility in Illinois. His testimony focused on the corruption within the federal prison system. Shaheed himself was placed at Marion, he said, as retaliation to his speaking at an inmate event and offering an indictment of the torture and abuse within federal prisons. Before his testimony Shaheed circulated his laptop, which displayed a still shot from a video in which guards brutalized him following the September 11th attacks because of his Muslim beliefs.

LuQman Abdullah spent eleven years in Pennsylvania prisons after being wrongfully accused of murder. He spent much of his time in prison in solitary confinement, given misconducts for his involvement with political groups and indictment of the planned execution of Mumia Abu-Jamal. His testimony was a series of stories of the torture he survived, like being strapped naked to a bed without a mattress and left for days, and also of triumph and lessons learned. When housed at SCI Green, Abdullah was housed next to Russell Maroon Shoatz, whose teachings and friendship he said saved his life. For the second time during the hearing Maroons long-term isolation was called into question and a plea was made to the lawmakers to release the 70-year-old with failing health into general population. Abdullah also brought up the name of Charles Graner for the first time during the hearing; Graner was a guard at SCI Green who was found guilty of the torture of Iraqi prisoners at Abu-Gharib prison.

The final panel of the day was four women, all with loved ones in solitary confinement. Shandre Delaney, whose son Carrington Keyes has been in solitary confinement in Pennsylvania for ten years, told how her son was placed in solitary confinement as retaliation for his political actions and beliefs. Ms. Delaney is an advocate with the Human Rights Coalition and corresponds regularly with prisoners who suffer similar fates to her sons. She demanded that the representatives take the necessary steps to set up an outside organization that can monitor the Department of Corrections because from her experience prisoners are not requesting special treatment but fair and humane treatment.

Theresa Shoatz, the daughter of Russell Maroon Shoatz, was the second panelist to speak. Theresa told her story of growing up with a father being tortured in prison. Like Delaney, Shoatz is not solely an advocate for her father, but for all prisoners suffering a similar fate to his. Near the end of her testimony Shoatz pulled a five-gallon bag of prescription pill bottles from her purse, telling the representatives

that if they wanted to see the effects of her fight for her father they need to look no further than that bag, which was full of medications for stress-related illness. (A video interview with Theresa Shoatz can be viewed [here](#).)

As representatives began to slowly leave the conference room the last two panelists spoke. Patricia Vickers, an advocate with the Human Rights Coalition, read testimony submitted by her son Kerry Marshall (Shakaboona), who has spent seventeen years in solitary confinement. The letter she read was a pointed and concise evaluation of the need for an outside organization to be formed in order to ensure oversight of the retaliatory and tortuous practices of the Pennsylvania Department of Corrections. Vickers own testimony echoed this need for an un-biased monitorial group. The final panelist was Barbara Fair, the founder of My Brothers Keeper. Pushed for time, the lawmakers asked that she be brief, so she gave a five-minute testimony in which she simply re-stated the message of the day: Solitary confinement is meant to break the spirit and shatter the mind, and there is no use or need for it other than that. Her remarks were followed by a burst of applause from attendees.

Representative Ronald Waters ended the hearing, reminding the audience once again how hard it will be to bring everything they had learned that day back to the rest of the lawmakers in Pennsylvania and gain any meaningful change. It's too easy to go along with the narrative of tough on crime, you see the stories that make the newspapers, he said. Representatives who had stayed an hour and a half beyond the scheduled time greeted some of the panelists and filed out of the conference room, having received a clear message that the uphill battle to end solitary confinement in Pennsylvania is one worth fighting.

Hannah Taleb was a research and reporting intern for Solitary Watch.

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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Anita, you make a good point in saying Medical care in prison needs to be just as medical care is in teaching hospitals. This would be perfect practice to place within the prison system. Wonder has this idea ever come up as consideration for allowing students to gain experience and prisoners to get the medical attention they need. This is definitely an idea that needs to be addressed more thoroughly. Oh yes, and let's not forget sadistic prison guards need to be fired. That's a big one too!

I went to school and completed masters degree in Criminal Justice just for the very reason of helping to make a positive change to the justice system. Needless to say, I am having a hard time finding employment to fit the bill but trusting one day something will come along in which I can make a huge difference and a positive one at that.

We the people have the power to change this deplorable prison system. Education needs to be mandatory, building more prisons needs to be banned, and solitary confinement needs to be a thing of the past, sadistic prison guards need to be fired. Medical care in prison needs to be just as medical care is in teaching hospitals.

I hope that Rep. Waters and Rep. Vanessa Lowery Brown exercise strong will and wit to abolish all these wrong-doings to prisoners and change the penal system, making it reform, not warehousing of human beings

Anita Kysor, RN

To: Teresa that is an issue not even ready is it? That we suffer with our loved ones the horror wrecks our minds. I'm so glad you were able to tell them. The ones that survive in spite of the system are amazing people; rare, courageous human beings. OK my question to those that participated, all these falsely accused that suffered. There's still those suffering and while the light is slowly lighting the forgotten in these desolate cement coffins I raise my voice and say stop torturing Americans in American prisons. Can we please not forget them?

it should read failure to illuminate not illuminate. :)

The poor have always been viewed as dangerous I offer this quote as an example:

The poor and the vicious classes have been and will always be the most productive breeding ground of evildoers of all sorts; it is they whom we shall designate as the dangerous classes. For even when vice is not accompanied by perversity, by the very fact that it allies itself with poverty in the same person, he is an object of fear to society, he is dangerous.

Honore-Antoine Fregier (Paris, 1840)

Thus governments run by our elites target the poor. For example:

For the same criminal behavior, the poor are more likely to be arrested; if arrested, they are more likely to be charged; if charged, more likely to be convicted; if convicted, more likely to be sentenced to prison; and if sentenced, more likely to be given longer prison terms than members of the middle and upper classes.

Jeffrey Reiman: The Rich Get Richer and the Poor Get Prison.

The official response to crime in America is the militarization of the criminal justice system. Randall G. Shelden: The Globalization of Social Control.

So lets compare Obamas targeted killings campaign of the AQAP [al Qaeda in the Arabian Peninsula] and the BOPs attempt to suppress prison gangs and the outcomes of both policies.

AQAP is viewed as just another violent gang and our failure to illuminate them illustrates how our governments use of violence to suppress this group has been ineffective. I quote from this article:

<http://www.theatlantic.com/international/archive/2012/09/drone-czar-hit-by-surgical-journalistic-strike/262650/>

There is also a strong correlation between targeted killings in Yemen since December 2009 primarily conducted by U.S. drones and increased anger toward the United States and sympathy or allegiance to AQAP. In 2010, the Obama administration described AQAP as several hundred al Qaeda members; two years later, it increased to more than a thousand members. Now, AQAP has a few thousand members. After a drone strike reportedly killed 13 civilians in early September, Yemeni activist Nasr Abdullah noted: I would not be surprised if a hundred tribesmen joined the lines of al Qaeda as a result of the latest drone mistake.

The mantra of U.S. military officials who oversee counterterrorism or counterinsurgency policies is you cant capture or kill your way out of problems caused by those using violence to achieve political objectives. It is a slogan based in the real-world experiences of many military commanders and much academic research. For example, a 2008 Rand Corp. study, How Terrorist Groups End: Lessons for Countering al Qaida, examined 268 terrorist groups that ended between 1968 and 2006. The authors including Seth Jones, former advisor to U.S. Special Operations Command found that the vast majority of terrorist groups were eliminated because they either were infiltrated by local police and intelligence agencies (40 percent) or reached a peaceful political agreement with the government (43 percent).

Meanwhile, military force think drones and Navy SEAL raids eliminated terrorist groups only 7 percent of the time. The reason? [O]nce the situation in an area becomes untenable for terrorists, they will simply transfer their activity to another area, and the problem remains unresolved.

The conclusion:

An effective drone strike campaign kills mainly people who are easily replaced, meanwhile creating more hatred of America and thus boosting terrorist recruitment in both the short and long run. And, as a bonus: the strikes scatter terrorists to new arenas where the self-defeating cycle can be repeated! If this is a strategy for eliminating terrorists, what would a strategy for creating them look like?

Now if you stop and think about it doesnt the escalation of the use of Solitary Confinement to breakup prison gangs follow the same trajectory as the drone campaign? Yes I know they dont physically kill a fellow in these units they just drive them mad or encourage them to take their own life. Which tactic would you prefer?

If you dont think this violent suppression breeds hatred of the system then you fail to realize that:

After the primary necessity of food and raiment, freedom is the first and strongest want of human nature.

J.S. Mill 1869/ Dent 1985 p.311

I quote an Guardian article titled Americas-invisible-incarcerated-millions:

.while poor uneducated black men are vastly over-represented in our prisons and jails, black men with college degrees are not much more likely than their white counterparts to end up in prison..considering the extremely close links between educational achievement (or, more correctly, the lack thereof) and the likelihood of a prison term, if policy-makers truly wanted to reduce the prison population, then Its education, stupid should be the motto falling off everyones lips.

And a related The Atlantic article Whats-keeping-us-children-out-of-the-middle-class:

Children are considered on track for a middle class life if (for example) they are graduating from high school by 19 with a GPA above 2.5 or earning a college degree by 29. There are all six benchmarks.

Black children are 18% less likely than white children to have acceptable pre-reading and math skills.

But between 19 and 29, they have fallen so behind in high school and college graduation rates and earnings that they are 50% less likely to meet that middle-class benchmark than whites.

Asking families to take responsibility for their lives and providing strong public services arent in tension.

Instead, the authors suggest, both are necessary to bringing more children into the middle class.

Duh seems to be a connection between these two very different articles.

EDUCATION! So lets rehabilitate these inmates through education it costs less.

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