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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](#) | February 25, 2018

The *Washington Post* [reported](#) that federal judge Leonie M. Brinkema ruled unconstitutional the state of Virginia's practice of placing death row individuals in solitary confinement. In 2015, Virginia allegedly stopped placing individuals with death sentences in solitary confinement, but the state had refused to maintain this prohibition. However, Brinkema, the first federal judge to determine solitary confinement for death row individuals unconstitutional, this week ordered the state of Virginia to comply with the reforms. Pro bono attorney Kathryn Ali said, The law in this area is very bad but it's also very old. Judge Brinkema's ruling is a landmark ruling but I think it's also just common sense, that we shouldn't be torturing people by keeping them in isolation.

The *Democrat & Chronicle* of Rochester, New York, published [a commentary](#) by Jerome Wright, a survivor of seven years of solitary confinement. Wright addressed a comment made by New York State Department of Corrections and Community Supervision Acting Commissioner Anthony Annucci, who said that spending a night in a solitary confinement cell would be the best night's sleep I ever had. Wright asserts: The soundtrack to solitary alone is enough to drive most people mad, if not to suicide. The smells and sights are unnerving, but the sense of loneliness and isolation that envelops you and permeates the atmosphere is beyond description; it is something that you have to experience to fully comprehend or appreciate. Wright calls for support for the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act currently pending in the NY State legislature, which would prohibit the use of solitary confinement for periods longer than 15 days.

Louisiana's WGNO [reported](#) that the MacArthur Justice Center in New Orleans has filed a lawsuit on behalf of two men held at David Wade Correctional Institution whose mental health deteriorated as a result of their placement in solitary confinement. One plaintiff had no history of mental illness before entering the facility but developed auditory and visual hallucinations after his placement in solitary. The other plaintiff had been diagnosed with bipolar disorder prior to his isolation and has since been on suicide watch five times and attempted suicide twice. The lawsuit claims that officials in the Louisiana Department of Corrections and the David Wade Correctional Center violated the 1st and 8th Amendments, the Americans with Disabilities Act (ADA), and the Rehabilitation Act by routinely placing mentally ill individuals in solitary confinement.

Miguel Perez, a 39-year-old U.S. Army veteran held at the Kenosha Detention Center in Wisconsin, has been on hunger strike for three weeks protesting the order for his deportation back to Mexico. The *Chicago Tribune* [reported](#) that Perez has been placed in solitary confinement, allegedly so that jail officials could monitor Perez's diet. However, a spokesman for the ACLU Chicago explained, You use solitary confinement for somebody disobeying an order or rules that cause harm and jeopardize safety and security in the facility. Someone not eating is not doing that. While in theory, solitary confinement is supposed to be used for disciplinary or safety purposes, Tara Tidwell Cullen of the Heartland Alliance said, This is a pretty frequent punitive response to hunger strikes to place people in solitary confinement.

The Center for Constitutional Rights (CCR) [claims](#) that the California Department of Corrections and Rehabilitation (CDCR) has violated a class action settlement that called for an end to solitary confinement in California prisons and resulted in the transfer of 1500 individuals out of the state's Security Housing Units (SHUs). Hundreds of these transfers, however, landed individuals in Level IV restrictive housing, which according to the CCR effectively inflicts the same conditions as the SHUs and perpetuates many of the same mental health concerns. CCR's Jules Lobel said, To avoid violating prisoners' constitutional rights, the CDCR must do more than move prisoners to units called general population. Prisoners' conditions must actually avoid the torturous effects of solitary confinement that the settlement sought to end. CCR has asked a federal judge to issue an order for CDCR to comply with the settlement.

[According](#) to *US News and World Report*, the ACLU has filed a lawsuit on behalf of Jesus Chavez Flores against Immigration and Customs Enforcement (ICE) as well as the private prison contractor GEO Group that runs Northwest Detention Center in Tacoma, Washington, where Chavez is currently held. Chavez and about 120 other immigrants held at Northwest have been on a hunger strike since early February to protest the conditions of their confinement, the inadequacy of the food, and the forced labor programs. Guards allegedly retaliated by punching Chavez in the eye and subsequently placing him in solitary confinement without medical treatment. The lawsuit claims that ICE and GEO have violated Chavez's 1st Amendment rights and calls for his release from solitary confinement.

The Philadelphia Inquirer [reported](#) a federal judges ruling that the Pennsylvania Department of Corrections has violated the 14th Amendment due process rights of Darrick Hall by holding him in solitary confinement for 24 years. Hall, who is now 47 years old, had received the death penalty, but his sentence was vacated in 2014 for reasons of inadequate representation, and in 2015, Governor Wolf instituted a moratorium on executions. Currently, there are 154 individuals with death sentences in Pennsylvania who are all being held in solitary confinement. On Friday, U.S. District Court Judge Curtis Joyner issued an injunction ordering Hall to be transferred to general population, writing, We believe there has been a sufficient showing that he will suffer irreparable harm if he is not granted immediate preliminary relief.

[According](#) to *In Justice Today*, the Pennsylvania Department of Corrections (DOC) has a restricted release list (RRL) of individuals who are being held in solitary confinement indefinitely, in violation of the United Nations Nelson Mandela Rules. The ACLU found that 66 out of 68 individuals on the RRL had been in solitary confinement for over a year and 15 of them had been in solitary for over a decade. One man on the RRL, a former Black Panther, spent more than 30 years in solitary confinement after organizing against the existence of the life sentence without parole. He ultimately won a \$99,000 settlement in a lawsuit claiming his placement in solitary confinement violated his due process rights and constituted cruel and unusual punishment. Last month, the ACLU and Abolitionist Law Center filed a class action lawsuit against the DOCs mandate for individuals on death row to be held in solitary confinement.

Radio Curious [hosted](#) Dr. Terry Kupers, a forensic psychiatrist and the author of *Solitary: The Inside Story of Supermax Isolation and How We Can Abolish It*, for the second of a two part series discussing the effects of solitary confinement and rehabilitative alternatives to solitary. In this program, Kupers discusses stories of those who have experienced solitary confinement and explains how to forward in achieving an effective rehabilitative approach.

Valerie Kiebala 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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