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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/04/24/new-aclu-report-examines-devastating-impact-solitary-confinement-women/>

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by [Victoria Law](#) | April 24, 2014

Today, the ACLU released [Worse than Second Class: Solitary Confinement of Women in the United States](#). Recognizing that women in solitary are often ignored, the report examines the gendered impact of solitary and issues a series of recommendations. These recommendations assume that vulnerable populations will continue to be incarcerated and focus on ameliorating the harmful effects of solitary.

Further Harming Those with Mental Illness

[Nearly seventy-five percent of incarcerated women](#) have been diagnosed with mental illness, a rate much higher than that of their male counterparts. The report notes that a disturbing number of women with mental illness are held in solitary, sometimes for behavior that is beyond their control. Mental health experts recognize that long-term isolation is harmful for anyone, but particularly for those with pre-existing mental illness.

Recommendation: People (of all genders) with mental illness should never be held in isolation. Furthermore, women should be evaluated by competent and qualified practitioners to assess their medical and mental health conditions before being placed in solitary.

Re-Traumatizing Survivors of Past Abuse and Increasing Likelihood of Future Abuse

The majority of incarcerated women have [reported past physical or sexual abuse](#). The lack of contact, human interaction and mental stimulation contribute to psychological deterioration for people who have experienced abuse. In addition, across the country, women in solitary are [regularly supervised by male guards](#) even when showering, changing clothes and using the toilet.

Solitary confinement also places a woman at greater risk for physical and/or sexual abuse by prison staff. Isolated from the general population, these abuses are easier for staff to hide.

Recommendation: Women's histories of mental illness, trauma, abuse and sexual assault should be taken into account before placing them in solitary.

Punishing Women Who Report Abuse or Neglect

Prison staff utilize solitary to punish women for reporting abuse or neglect. Women who have [complained about sexual abuse by prison staff](#) are frequently placed in solitary confinement while their complaints are investigated. The threat of solitary often discourages other women from reporting abuse or neglect.

Women who report neglect have also been placed in isolation. The report highlights the case of [Carol Lester](#), a 73-year-old grandmother who was placed in solitary confinement in a CCA-run prison for almost five weeks after complaining about inadequate medical care. She filed suit against the prison, arguing that placing her in solitary was retaliation for her complaints. She was released on probation/parole shortly after her story hit the media.

Recommendation: Solitary should never be used as a retaliatory measure. Qualified auditors should be specifically tasked with ensuring that people who report abuse are not placed in solitary confinement.

Punishing Children

Noting that the [majority of incarcerated women are mothers](#), the report found that placing women in solitary negatively affects their children. Many women's prisons are far from the areas in which mothers and children lived before incarceration. The distance, travel time and expense make visitation difficult and sometimes infrequent.

Placement in solitary makes these visits even more difficult. Visitation for people in solitary is often limited. Visits are often conducted through a glass partition or, as some states move towards video conferencing for visits, through a video monitor. Neither option allows a

child the opportunity to hug her mother or hold hands. At other times, people in solitary are not allowed visits at all. Both undermine a mother's efforts to remain connected to her children.

Recommendation: Contact visits with children should be allowed for all people. Family visitation should be encouraged.

Harming Pregnant Women

In addition to being inhumane, placing pregnant women in solitary confinement [often jeopardizes their access to prenatal care](#).

Although the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (known as the [Bangkok Rules](#)) prohibit the placement of pregnant or nursing women in solitary confinement, jails and prisons across the U.S. continue to place pregnant and postpartum women in solitary.

Recommendation: Pregnant and nursing women should never be held in solitary confinement.

Isolating Trans Women

Solitary confinement is [also utilized for trans women sent to male prisons](#). Justifying this placement as protective custody rather than punitive segregation, prisons place trans women in solitary units where they have little to no access to human contact, educational programs, exercise or recreation. Trans women in protective custody are subject to the same rules as people in punitive segregation; they are allowed out of their cell only one hour each day and allowed to shower only a few times a week. In addition, placing trans women in solitary increases their vulnerability to harassment and assault by prison staff.

Recommendation: Prison officials should not utilize isolation to protect vulnerable people. Those who may require extra protection should have access to the same programs, privileges and services as people in the general population.

The report also recommends:

Although the ACLU recognizes that a high percentage of women are incarcerated for non-violent offenses, none of the recommendations focus on reducing the potential impact of solitary confinement by reducing the number of people sent to jails and prisons. All of the above recommendations assume that people with mental illnesses, histories of trauma and abuse, pregnancies or primary caregiving responsibilities will continue to be incarcerated. Their recommendations are important steps for ensuring the safety of people currently behind bars. But more ambitious goals would call for building alternatives not just to solitary confinement but to the default policy of locking people up in the first place.

Victoria Law is a freelance journalist and author focused on incarceration. Her books include *Resistance Behind Bars*, *Prison By Any Other Name*, and *"Prisons Make Us Safer" and 20 Other Myths About Mass Incarceration*. She tweets @LVikiml.

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 mentally ill are locked away in rooms under normal conditions. It is an outrage and a moral problem why we as a nation treat people in such a manner that we do.

Written policy means nothing without oversight.

Thank God for the ACLU. I am convinced that that organization is the only thing standing between me and a concentration camp. The harsh reality is that solitary confinement is not so different.

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