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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](#) | January 7, 2019

Courthouse News [reported](#) that two lawsuits have been filed in the past few weeks against Alameda County in California over conditions at Santa Rita Jail and Glen Dyer Detention Facility. Three women held in the custody of Santa Rita Jail claim that they are being subjected to severe sleep deprivation, which they say has exacerbated mental health conditions and damaged their memory and speech. One of the three women, Andrea Hernandez, has been put in solitary confinement, where facility practices only allow for three hours of sleep, despite Hernandez's possible pregnancy. The second lawsuit claims that both facilities hold people with psychiatric disabilities in solitary and hold people with suicidal tendencies in safety cells with only a smock and no mental health care. According to the lawsuit, 33 people have died over the last five years/thirteen by suicide as a result of these conditions.

Anthony Gay, a man convicted of robbery for allegedly stealing \$1 and a hat in 1994, expected to serve three and a half years in the Illinois Department of Corrections (IDOC). Instead, an early stint in solitary confinement for fighting led to a downward spiral of his mental health and behavior, and he ended up serving 22 years in solitary. Gay engaged in severe self-mutilation to make him feel alive again during his isolation, but the ensuing mental health treatment consisted only of a therapist shouting questions to him through a door, [according](#) to the *Chicago Tribune*. Gay filed a lawsuit after his release in August seeking damages for the deprivation of access to human contact, programming, mental health care, and activities for decades, which attorney Alan Mills of the Uptown Peoples Law Center says shows the depth of damage that can be done to a person if we don't fix this system. There will be more Anthony Gays coming down the pike.

[According](#) to WBEZ, the Illinois Department of Corrections (IDOC) agreed to a settlement with the ACLU of Illinois and the Uptown Peoples Law Center in a lawsuit filed eight years ago, claiming that the severely inadequate health care in Illinois prisons violates the Constitutional rights of incarcerated persons in the state. Based on a recent report from a court-appointed expert, 12 out of the 33 examined deaths in Illinois prisons between 2016 and 2017 were preventable, with seven more being possibly preventable and five not properly documented. The agreement, once approved by the federal judge, would require the IDOC to overhaul its health care system for the 40,000 people in its custody, abide by a standard of professional qualifications for physicians, and implement measures to prevent future death and suffering, under the oversight of a court-approved monitor.

In a recent Fourth Circuit Court of Appeals [ruling](#), the judge determined that Dustin Robert Williamsons pre-trial placement in solitary confinement for three and a half years at age 21 for safekeeping in the South Carolina Department of Corrections because of a single incident of unrealized and unrepeatable threats may be a violation of Williamsons 14th Amendment right to due process, and grounds to sue. While people diagnosed with mental illness are supposed to be protected from safekeeping status, Williamson was kept isolated years after his medical records documented that he had developed mental health conditions, including unspecified psychosis, grief, nightmares, [and] depression, during his time in solitary.

The Juvenile Justice Information Exchange published an [article](#) discussing the abysmal education provided to the approximately 10,000 youth held in adult correctional facilities nationwide on an average day. Despite research demonstrating the increased likelihood of post-incarceration success with access to quality education, youth held in adult facilities are often provided only worksheets with no guidance, or nothing at all. Even where educational services are available, the frequent placement of youth in solitary prevents consistent education. At the model educational program at an adult jail in New Orleans, for example, Half of any class might not show up one day because they've been put on lockdown or in solitary confinement. The article recommends preventing the placement of youth in adult correctional facilities at all, and instead placing them in juvenile justice programs with adequate educational services.

The *Richmond Times-Dispatch* published a [commentary](#) written by Bill Farrar from the ACLU of Virginia, calling for the Virginia Department of Corrections (VDOC) to provide accurate, detailed data on its use of solitary confinement. Though the VDOC claims it does not use solitary, native Salvadoran Nicolas Reyes recently filed a lawsuit through the ACLU of Virginia for the thirteen years he has been held in solitary at Red Onion State Prison, allegedly lengthened because his illiteracy and inability to speak English prevented him from completing the written materials necessary for the step down program. Farrar calls for the Virginia legislature to pass House Bill 1642 and Senate Bill 1085, which would mandate the VDOC to document and report its use of solitary.

[According](#) to *Davis Vanguard*, a federal judge has assigned class action status to a lawsuit claiming that conditions at the Sacramento County jails have violated the constitutional rights of those held in the facilities custody, especially people with disabilities, mental health needs, and serious medical needs, said Aaron Fischer, an attorney for Disability Rights California Bay Area Regional Office. People held in the countys custody, most of whom still await a trial, have faced severe solitary confinement, often deprived of sunlight and human contact for months or years at a time. The lawsuit claims five people at the facilities have committed suicide and hundreds more have developed suicidal tendencies in the past two of years. Fischer emphasized the urgency of action, considering people in the countys custody still face the inhumane conditions.

Truthout [covered](#) the transfer of Strawberry Hampton, a transgender woman incarcerated in Illinois, to a womans correctional facility, after two lawsuits were filed on her behalf claiming sexual and physical abuse from prison officials. While the court order did not require her transfer or her release from solitary, where she was kept for over two years, Hampton feels that this [order] opens up the door for other LGBTQID members. Another transgender woman CeCe McDonald, who faced five months in solitary confinement allegedly for her own protection, emphasized, Prisons arent safe for anyone and thats the key issue. Hamptons lawyer said, Strawberrys struggle to live free from sexual assaults and harassment while in IDOC custody demonstrates a fundamental truth about prisonsthey are inherently violent and only create harm.

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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