

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2016/07/21/immigrant-detainees-routinely-placed-in-solitary-confinement-in-new-jersey-jail/>

Policy Issue Resources

close

Search

close

close

by [Julia Hettiger](#) | July 21, 2016

In the New Jersey's Essex County Correctional Facility, immigrant detainees are frequently subjected to weeks or months in solitary confinement, according to a new report, *Isolated in Essex: Punishing Immigrants Through Solitary Confinement*, released by the New Jersey Advocates for Immigrant Detainees, the American Friends Service Committee and the New York University School of Law Immigrant Rights Clinic.

The facility is one of three county jails in New Jersey home to immigrant detainees. *Isolated in Essex* is a follow-up to the report [23 Hours in the Box](#), published last year by the same groups on conditions, including solitary confinement, for immigrant detainees in Bergen County Jail and Hudson County Correctional Facility, the other two facilities housing immigrant detainees in New Jersey.

Alina Das, associate professor of clinical law and co-director of the Immigrant Rights Clinic at New York University, collaborated on the report to bring light to many of the issues immigrant detainees face while in county jails and prisons.

We have long been concerned by the conditions that immigrants face in county jails, where everyone—immigrant detainees, pre-trial detainees, and people serving time for criminal convictions—experience harsh and exploitative treatment, Das said in an interview with Solitary Watch. Immigrants, like other individuals in county jails, are routinely and abusively subjected to solitary confinement as a form of punishment. We wrote these reports in order to expose these practices and seek reform.

Migrants who do not have legal permission to enter or remain in the United States are often held as federal prisoners in immigration detention centers or in local jails like the one in Essex. The purpose of detainment is to ensure the migrants' appearance at legal proceedings. However, many detainees face treatment similar to those incarcerated because of crimes. This includes punishment with disciplinary segregation, a form of solitary confinement.

Immigration detention is intended to ensure the appearance of immigrants at removal proceedings and is meant to be civil and non-punitive, the report states, yet immigrant detainees are held in penal facilities and subjected to the same conditions as individuals accused or convicted of crimes, including solitary confinement.

The authors of the report gathered and analyzed information from 446 incident reports produced in Essex that resulted in solitary confinement as a punishment between 2013 and 2015. They found that 96 percent of all incidents were punished with solitary confinement, rather than less severe punishments. The incidents were divided into different categories to evaluate the type of punishments that resulted in solitary confinement, including physical altercations, verbal disputes between detainees, hostility toward officers, rule violations, noncompliance, and hunger strikes.

The analysis showed the disproportionate and excessive way solitary confinement is used as a punishment against immigrant detainees, and how many of New Jersey's policies, like New Jersey's 15-day limit on disciplinary segregation for a single charge, are worked around.

The report also found that 42.1 percent of all issues resulting in solitary confinement were for nonviolent acts, meaning the punishments were normally arbitrary and lacked due process and transparency. One detainee was sentenced to 15 days in solitary for refusing to close his food port after finding worms in his food, while another was punished this way for damaging a television set. This information demonstrates how solitary confinement is used as an everyday punishment, rather than a last resort.

Many of the detainees in Essex are placed in pre-hearing detention while waiting for a disciplinary hearing after committing an offense. Pre-hearing detention is similar to solitary confinement, and a detainee is held in an isolated cell for 23 hours a day if the officers perceive him or her as a threat to other detainees, himself, or the facility. Ninety-five percent of the 446 incidents, a total of 423 incidents, involved pre-hearing detention, which often stretched to days or weeks. Nearly 25 percent of the 446 incidents were ultimately dismissed.

I was in for over a week. The first couple of days were before my solitary hearing. They put me in a cell where the stench was so strong I couldn't breathe and my asthma flared up, a former detainee named John said in the report. I asked them to move me but they said they couldn't because it was the weekend. When Monday came they moved me a few cells down.

While in isolation, John was taken out of isolation for an hour three days a week, Monday, Wednesday and Friday, to bathe and walk up and down a hallway for recreation. The conditions, like the quality of food, are also worse while in pre-hearing detention.

The worst thing about being there was the hunger. The food in solitary is worse than the food generally, and it was served through a slot at around 6 a.m., 11 a.m., and 5 p.m., John said. After 5 p.m., you have nothing to eat, and you cant use your commissary to help you get through the night. I never want to go back.

A reason why solitary confinement is prevalent in Essex is because officers can upgrade offenses from minor violations to major ones, which can be punished with solitary confinement. They also work their way around the 15-day restriction by stacking offenses.

One of the incidents studied in the report involved four detainees being punished with 30 days in solitary for refusing to eat breakfast. Two of the detainees were charged with disruptive conduct, encouraging or engaging in a demonstration and threatening, while the other two were charged with only two violations; disruptive conduct and encouraging or engaging in a demonstration. Regardless of the differences in offenses, the detainees received the same punishment.

Essex simply added more days per charge for the detainees that were accused of two violations instead of three. Thus, not only were the detainees subject to an excessive sentence of 30 days for refusing to eat breakfast in protest of the television policy, there was also no consistency, predictability, or fairness in the sanctions for each violation charged, the report said.

On June 27, New Jerseys state Senate voted 23 to 16 to reduce the use of isolated confinement in New Jerseys state and county jails because of the cost and negative mental health effects it has on people held there. The legislation has yet to pass the assembly.

The authors of the report recommend a number of things to solve the issue, like prohibiting upgrading minor violations to major ones, as well as ultimately reversing the trends toward using both solitary confinement and mass immigration detention. We hope that New Jersey will adopt reforms that will end these abusive practices for everyone in jails and prisons, Das said.

Julia Hettiger is a writer and communications professional from El Paso, Texas. She has an MFA in Writing for Children and is passionate about the power of storytelling.

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

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

who cares, if theyre unhappy with the accommodations maybe they wont come back

you dont know much about solitary in general, you ever been up in solitary? the Hole? no i didnt think so or else youd keep your fucking mouth shut. you dont contribute to any cause anyway, you dont matter..

if they committed no crime other than illegal entry, they are free to leave, voluntary departure. I havent been in solitary but Im sure I would prefer it over GP. Im better company even alone

what??? solitary scars & damages the mind, it makes men/women hallucinate, sensory deprivation, looking at nothing eternally will damage the mind, it doesnt matter what country youre from, what language you speak, what race you are, it knows no bounds & should be illegal, were not ISIS or war torn Syria here in America & the US people should not give into such inhumane values. I think I would resent my countrymen thinking otherwise. I understand an opinion but for people fleeing a country of violence & starvation its becoming harder & harder to find a place to go where some government isnt trying to kill you or jail you without due process.

solitary is for hard heads, gays and snitches, so protecting the guards or the prisoners from one another, its not going away because it serves a purpose and is an economical way of accomplishing that purpose. the weak minded may suffer but the weak minded always suffer. these particular detainees are free to leave. they had their hearing and their phony asylum claims are found to be meritless. if the migrants had value some country would take them, we take over a million per year legally. if you were the captain of a full life boat would you be pulling in another 20%, you might but you would be prosecuted for your reckless actions and if anyone died you would be guilty of murder.

you do have a good point. a very good point. there certainly needs to be another solution to isolation/solitary. it really isnt meant to be in place for years is my argument. sure a disruptive inmate/prisoner needs to be in isolation until they can come around but isolation for

illegal aliens? being in this country illegally doesnt merit solitary & I have a feeling the government should change their policies on solitary & absolutely should monitor what agency, especially private agencies who isolate illegal aliens. CCA is a big violator. hands down they are the cheapest incarcerator in the world & it shows by how many prisoner lawsuits are currently active & settled recently. that is a fact.

I do agree I was better company alone I was put in solitary related to I would not snitch on a CO who help get a female inmate pregnant. It is far more scary to return to the floor with the label snitch pasted on your forehead But it is just a hole in the concrete floor with air condition running 24hrs a day no commode no toilet paper no fresh H2O no blankets no bed the food is push thru a mail slot that lands on the floor but the main point I was safe from GP away from their drug deals and mean CO I would not comb my hair I would not wear make-up because I id not want to attract male/female company. the female inmates will kill you if got in the way of their sex liasions or drug & cigs deals IAM BETTER COMPANY ALONE. Bad side of this Im still antisocial to this very day related to my experience there I do not trust no one

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

Solitary Watch

Copyright 2022, Solitary Watch

Read about [rights and permissions](#).



Solitary Watch News