



In Open Letter to President Obama, Groups Push for Solitary Confinement Reforms

By Garrett Zehr

More than 100 organizations from across the country sent an open letter to the President October 2, calling for the elimination of long-term and indefinite solitary confinement.

The signatories – including civil and human rights groups, religious organizations, and groups of defense attorneys and mental health professionals – ask Obama to take quick and decisive action following the attention he gave the issue earlier this summer.

“We applaud your recent historic remarks recognizing that solitary confinement does nothing to rehabilitate those who are incarcerated,” the letter states. “We also welcome your announcement that the U.S. Attorney General will conduct a national review of the practice in prisons and jails across the United States. We are writing to urge that this review result in recommendations that create a clear pathway toward the elimination of the use of long-term and indefinite isolation in the United States.”

In a speech in July to the NAACP, Obama said he has asked Attorney General Loretta Lynch to start a review of the overuse of solitary in US prisons. “Social science shows that an environment like that is often more likely to make inmates more alienated, more hostile, potentially more violent,” Obama said. “Do we really think it makes sense to lock so many people alone in tiny cells for 23 hours

a day for months, sometime for years at a time?” The speech was the first time the issue was ever directly addressed by the President.

The open letter to Obama highlights a number of government reviews of solitary that have already shown the overuse and abuse of solitary, including two congressional hearings, a report by the Government Accountability Office and an audit of the federal Bureau of Prisons (BOP) earlier this year. The audit was criticized for its significant limitations, but did call for modest reform of the practice, including eliminating its use for people with serious mental illness and as a form of protective custody, as well limiting the amount of time people can spend in solitary.

The signatories of the letter call on the President to immediately implement the auditors’ recommendations and ensure that the national review prioritizes humane alternatives to solitary.

A sampling of the 126 organizations that signed the letter include the American Civil Liberties Association, the American Friends Service Committee, the Muslim Justice League, branches of the NAACP, the National Council of Churches, the National Religious Campaign Against Torture, the Southern Poverty Law Center, and various Innocence Projects. In the letter, they emphasize the well-documented harmful effects of soli-

tary on individuals, prison staff, and communities.

“Neuroscience, ethics and international human rights law widely consider solitary confinement a form of torture,” the letter states. “Indeed, decades of research demonstrate the harms of solitary confinement on human beings. Its systematic and widespread use in our criminal justice system compromises our stated commitments to human rights, human dignity, the human potential for redemption, and public safety.”

The letter notes that a number of jurisdictions, including some states, have implemented policies to limit the use of solitary, such as bans for youth, pregnant women, and individuals with mental illness. The letter says that supporting these reforms and creating incentives, as well as reform in the BOP, should be an explicit goal of the Attorney General’s review.

The organizations urge quick action, noting that the review should be completed with enough time to allow for implementation of the recommendations, with just over a year left in Obama’s presidency.

“The torture of prolonged solitary confinement compromises public safety, increases recidivism, is immoral and indeed has no place in any civilized society. Now is the time to act to ensure it has no place in our own,” the letter concludes.

News Briefs

NATIONAL—In October, the organization Black & Pink released a groundbreaking report, “Coming Out of Concrete Closets,” which examines the experiences of incarcerated LGBTQ people. A shocking 85 percent of respondents to the survey reported that they had spent some time in solitary confinement during their time behind bars. Of those, almost 50 percent had spent two years or more in isolation. Many had been placed in solitary “for their own protection” from other prisoners, only to be abused by prison staff.

DELAWARE—In August, the Community Legal Aid Society and the American Civil Liberties Union filed a lawsuit against the head of the Delaware Department of Correction (DOC) over the department’s treatment of incarcerated people suffering from mental illness. The lawsuit asserts that individuals held in solitary confinement receive “grossly inadequate” mental healthcare, that the use of solitary causes significant harm to mentally ill prisoners, and

that the DOC is aware of this harm and is “deliberately indifferent” to it.

DISTRICT OF COLUMBIA—A scathing report on the D.C. jail system was released in June by the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. The report found a crumbling infrastructure, poor mental health services, a high suicide rate, shamefully inadequate youth facilities, and an excessive use of solitary confinement. It recommended that the jail be closed and replaced with a new facility.

FLORIDA—In June, the Disability Rights Group of Florida reached an agreement with the Florida Department of Corrections to overhaul treatment of people with mental illness at the Dade Correctional Institution. Past abuses at DCI, which were documented by the Miami Herald, included one man being scalded to death in a shower while officers stood by.

LOUISIANA—Men incarcerated at the Louisiana State Penitentiary, commonly known as Angola, are suing prison officials and the Louisiana Department of Corrections for failing to provide adequate healthcare to the more than 6,000 people currently held there. In a scathing, 63-page complaint, filed in May, lawyers representing Angola’s prison population allege that men are routinely denied appropriate medical care, resulting in “unnecessary pain and suffering, exacerbation of existing conditions, permanent disability, disfigurement, and even death.”

NATIONAL—“Together to End Solitary,” a coalition of activist groups, has begun holding coordinated actions on the 23rd of each month to mark the 23 hours a day thousands of people spend in solitary confinement. The actions, which began in California and have spread across the country, include rallies, vigils, exhibitions, film screenings, letter-writing campaigns, and more.

About Solitary Watch

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Solitary Watch (www.solitarywatch.com) is a web-based watchdog project aimed at bringing solitary confinement out of the shadows and into the light of the public square. Our mission is to provide the public—as well as practicing attorneys, legal scholars, law enforcement and corrections officers, policymakers, educators, advocates, and people in prison—with the first centralized source of background research, unfolding developments, and original reporting on solitary confinement in the United States.

The print edition of Solitary Watch is produced quarterly and is available free of charge to currently and formerly incarcerated people, to prisoners’ families and advocates. To receive future copies, please send a request to the address or email above.

We also welcome accounts of life in solitary confinement, as well as stories, poems, essays, and artwork by people who have served time in isolation. Please send contributions to “Voices from Solitary” at the address above, and tell us whether you would like us to use your name or would prefer to remain anonymous.

Note: We regret that we cannot offer legal assistance or advice and cannot respond to requests for this type of help. Legal materials sent to us cannot be returned to the sender. We also cannot forward mail to others. Thank you for your cooperation.

Landmark Settlement Will Dramatically Reduce Solitary Confinement in California Prisons

By Sal Rodriguez

California prison officials have agreed to limit the practice of long-term solitary confinement, four years after the first hunger strike began in protest of the practice.

Under a historic agreement reached in the *Ashker v. Brown* suit between the California Department of Corrections and Rehabilitation (CDCR) and the Center for Constitutional Rights on behalf of individuals in solitary confinement at Pelican Bay State Prison, terms of 10 years or more, which have been common in California, will be virtually eliminated, as will solitary sentences of indeterminate length.

“Today is a historic day,” declared Jules Lobel, president of the Center for Constitutional Rights, on Tuesday morning.

Filed in May 2012, *Ashker v. Brown* reached class action status in 2014, representing all men held at Pelican Bay State Prison in the Security Housing Unit (SHU) for over a decade. Arguing that long-term isolation violated the Eighth Amendment protections against cruel and unusual punishment, and that the lack of meaningful review of SHU placement violated due process rights, the case was set for trial in December.

Through the terms of the agreement, individuals will no longer be placed in the SHU for gang affiliation; with limited exceptions all prison-

ers currently held in the SHU for over 10 years will be released to general population; and all SHU terms would be finite rather than indeterminate.

“This settlement represents a monumental victory for prisoners and an important step toward our goal of ending solitary confinement in California, and across the country,” the plaintiffs said in a joint statement. “California’s agreement to



abandon indeterminate SHU confinement based on gang affiliation demonstrates the power of unity and collective action. This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters.”

“The department was headed this way, anyway,” said CDCR Secretary Jeffrey Beard.

Under the terms of the agreement, the only way anyone will be able to get in the SHU is if they commit an offense carrying that punishment, including assault and murder. If that offense is tied to gang activity, and if the offender is a validated prisoner, after the completion of a

determinate SHU-term for the offense, they will be placed in the Step Down Program (SDP). Under the terms of this agreement, the SDP, which has been operational for two years, will be reduced from three to four years, to two years.

Individuals who refuse to participate in the SDP will be placed in a new Restrictive Custody General Population Housing Unit. According to Mr. Lobel, the new unit “will not be solitary, but a highly secured facility” that allows small-group recreation, programming, work assignments and contact visits.

Also eligible for placement in the new unit will be individuals who have been in the SHU for 10 or more years who have recently committed a SHU-able offense and individuals who cannot be released to general population due to threats to their safety.

The department will have to review all individuals in the SHU within the next year.

“As the plaintiffs recognize this is a step towards the larger goal of the prisoners human rights movement,” said Carol Strickman, staff attorney at Legal Services for Prisoners with Children.

There are currently about 2,000 individuals in SHUs across the state, at Pelican Bay State Prison, Tehachapi State Prison, Corcoran State Prison, and California State Prison in Sacramento who will be impacted.

Voices from Solitary: No Place for a Kid

By Enceno Macy

Solitary confinement is no place for a kid. I know this from firsthand experience. As a young person in the criminal justice system, I was placed in solitary — locked down in a small cell for up to 24 hours a day — several different times before I was out of my teens. And although you can't see them, I bear permanent scars from this treatment.

I first experienced a kind of solitary confinement in juvenile detention when I was 13 years old. We would get sent to lockdown for bad language or being too loud, or for forgetting to ask permission to talk, get up from our seats, or change the card game we were playing — basically, for acting like kids. Where I was, the time in isolation usually lasted a few days. I know that in some juvenile facilities, children get locked down for weeks or months at a time.

When I was 15, I was accused of a serious felony, and while awaiting trial I was placed in “involuntary segregation” in county jail. I was put there solely due to my age and “for my own protection,” but I was treated the same way as adults who were put in solitary for serious rule violations. We received two books a week, two sheets of paper, and a golf pencil. There was no access to any form of education or counseling for youth (or anyone else). In the wire cages we sometimes went to for exercise, the space was not much bigger than the cell. I spent seven and a half months in those conditions.

Once convicted, I was sent to adult prison, where I experienced several stays in “disciplinary segregation,” usually lasting a few months each — for fighting, leaving my job early,

arriving back late from a meal, and copying out the lyrics to a song that they deemed “gang related,” probably just because it was rap.

The guards were petty, and liked to single out youngsters who had a lot of time to do — to try to “break” us, I guess. Something as simple as using profanity when speaking with a state employee would get us a couple of weeks in “seg.” In other words, actions that would qualify as everyday misbehavior for most American teenagers would get us placed in conditions that have been widely denounced as torture, especially when used on young people.

A typical day as a kid in seg involved a lot of sleep — probably 16 hours on average. I'd wake up for breakfast, sleep until lunch, read for an hour or so, go back to sleep until dinner, pace back and forth, try to write poems or rap song lyrics, read, and wait/hope for mail — then go to sleep and do it all over again.

In some of that time I might find someone I could talk to through the crack in my door. We had so little to do, we'd end up yelling insults at the guards just to vent our anger and restlessness.

I was ruled by sorrow, fear and anger: Sorrow about missing people I used to know, and my mom. Fear about what might be coming next in my seemingly endless sentence. (I had no concept of what time really meant, so 15 years felt the same as 50.) And anger at those who I felt had wronged me. Back then I wasn't skilled in identifying my emotions, let alone dealing with them appropriately.

There were no positives in my mind, no outlet to exercise the hurt and confusion. I was so lost. I never cut myself or attempted suicide, as I know a lot of kids in solitary do. But I did think about death a lot, and I had dreams of an apocalyptic world (and still do).

I know that solitary confinement caused me considerable psychological damage — or really, added to what was already brewing. It encouraged me to retreat deep into a demented reality where I was so alone, it made me feel as though I wasn't meant for this world. I still feel that way to this day — like I don't fit. On the clinical side, I was even more deeply depressed than I had been growing up.

Like most people who have served time in solitary as teenagers, I will someday be released from prison and resume life in the free world. And because of solitary I will never be right mentally, I fear. More than 10 years later, I think some of the effects have faded, but my panic attacks are so severe that they put me on anti-depressants for PTSD. I still have a hard time trusting, so I don't consider too many people my “friends.” It's pretty lonely because of that, but I'm used to the feeling now.

On any given day there are hundreds, and probably thousands, of kids under 18 in solitary confinement in America's jails, prisons, and juvenile detention facilities. I know what they are suffering, and I wonder how many of them, like me, will bear the invisible scars of their isolation. It may be too late for us, but there is still time to save countless children from this silent torture.